









STATE OF NEW YORK.

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REPORT

OF THE

REGENTS OF THE UNIVERSITY

ON THE

BOUNDARIES

OF THE

STATE OF NEW YORK.

---

Transmitted to the Legislature May 28th, 1873.

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ALBANY:  
THE ARGUS COMPANY, PRINTERS.  
1874.

IN SENATE,                    }  
MAY 28, 1873.            }

*Resolved,* That one thousand extra copies of the Report of the Regents of the University on the boundaries of the State, under the Senate resolution of April 19, 1867, be printed and bound for the use of the Regents, and five hundred like extra copies for the use of the Senate.

STATE OF NEW YORK.

No. 108.

IN SENATE,

May 28, 1873.

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REPORT

OF THE

REGENTS OF THE UNIVERSITY

ON THE

BOUNDARIES OF THE STATE OF NEW YORK.

UNIVERSITY OF THE STATE OF NEW YORK :  
OFFICE OF THE REGENTS,  
ALBANY, N. Y., May 28, 1873. }

To the Hon. JOHN C. ROBINSON,

*President of the Senate :*

SIR.—I have the honor to transmit a report, in part, in regard to the boundaries of the State, under a resolution of the Senate, adopted April 19, 1867.

I remain, very respectfully,

Your obedient servant,

JOHN V. L. PRUYN,

*Chancellor of the University.*



# REPORT.

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*To the Honorable the Legislature  
of the State of New York :*

The Regents of the University respectfully report : That in pursuance of a resolution of the Senate, adopted April 19th, 1867, a copy of which will be found on the third page of the documentary records appended hereto, they have made some progress in an examination as to the condition of the monuments which mark the boundaries of the State. In their annual report made February 13, 1871, they submitted, in an abstract of their minutes, the action of a Committee of their Board, in conjunction with the Surveyor-General of the State of Pennsylvania, under the authority of laws enacted by both States, in renewing and replacing, with appropriate ceremonies, the initial boundary monument on the shore of Lake Erie. A copy of the proceedings had at that time is herewith communicated.

In further pursuance of the duty assigned by the aforesaid resolution, the Regents, on the 30th of September, 1869, transmitted to the several Boards of Supervisors of the southern tier of counties of this State, a circular inquiring as to the condition of the monuments on the lines between that part of the State line and Pennsylvania. Copies of this circular and of answers received from the Supervisors of Chautauqua, Steuben and Orange counties, are herewith

transmitted. Special credit is due to the Supervisors of Chautauqua county for their cordial and efficient co-operation in this matter, and for the complete survey of the line on each of the two sides of that county bordering on Pennsylvania,—an extent of over fifty-four miles. In view of the fact that, with the above exceptions, no local co-operation of the kind sought was secured, the Regents believed that more full information as to the history of the boundaries was needed, both to awaken public interest in the subject, and to guide those who should undertake the re-survey of the lines. It was therefore deemed important to attend, in the first place, to the duty specified in the latter part of the Senate resolution, of procuring and putting in form such historical facts in regard to the boundaries of the State as might be of interest and value. With this object, as well as to direct the then prospective arrangements for replacing the initial monument on Lake Erie, the Regents, on the 3d of September, 1867, appointed a select committee consisting of the Chancellor, Mr. Perkins and Mr. Johnson, to carry out the purposes of the resolution.

In prosecuting the historical part of the undertaking, the committee have caused a careful examination to be made, under the immediate direction and oversight of the Chancellor, of all records relating to the territorial *extent and boundaries*, so far as these have been from time to time ascertained or changed, of the original province of New Netherland, and of the province and State of New York, especially with a view to show the successive steps by which large portions of the domain specifically granted in 1664, by Charles the Second to the Duke of York, and of that subsequently claimed and recognized, on other grounds, as of right belonging to New

York, were from time to time transferred to the sovereignty and jurisdiction of other States, until New York finally became reduced in territorial extent to its present limits. In addition to this branch of the investigation, the results of which are now given, the plan of the work includes a full record of proceedings connected with the final determination, running and marking of each boundary line of the State; and also, a statement of the present condition of the mile-stones and boundary monuments, indicating what may be needed to preserve or renew them. Owing to the large amount of time and labor required to make a satisfactory investigation in a field so broad and hitherto so little explored, and to the many other duties of the officers of the Board, the second and third parts of the undertaking have not been completed; but the Regents beg to assure the Legislature that the remainder of the work will be prosecuted with all reasonable dispatch. Meanwhile, it has been deemed proper to communicate the material thus far collated, in the form of *verbatim* copies of original records, with occasional notes and statements needed to render these records a sufficient narrative for the present purpose.

The Regents deem it proper to state, that with the exception of an appropriation of two hundred dollars to defray part of the cost of erecting the monument on the shore of Lake Erie, they have thus far carried on these proceedings without special expense to the State. They beg leave respectfully to suggest, that whenever these investigations show the need of further action in regard to the condition of boundary monuments and to preserve or renew them, the superintendence of the necessary field work may, with obvious propriety, be confided to the State Engineer and Surveyor.

In view of the imperfect description of the western boundary line of the State, given in the Revised Statutes, further notice of which will be found on pages 2, 234, 270, 287 and 288 of the documents appended to this report, a proposed amendment of said Statutes has been submitted to the Commissioners engaged in preparing a new revision.

In closing this report, the Regents deem it proper to speak of the unwearied zeal and industry of the Assistant Secretary of the Board (Mr. D. J. Pratt), to whom has been committed the duty of gathering and collating the records bearing on this subject. The appended list of authorities consulted, shows the extent of the work. It has not been confined to hours of office labour, but has engrossed much time to which official duty could not lay claim.

All which is respectfully submitted.

JOHN V. L. PRUYN,

*Chancellor of the University.*

S. B. WOOLWORTH, *Secretary.*

ALBANY, *May* 28, 1873.

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    Andrew E. Douglass, New Haven, Conn.  
    Mrs. Professor D. B. Douglass, Batavia.  
    Rev. Malcolm Douglass, Windsor, Vt.  
    Andrew Ellicott.  
    Elial T. Foote, New Haven.  
    Isaiah Golding, Marvin, Chautauqua County.  
    George W. Holley, Niagara Falls.  
    Professor Albert Hopkins, Williamstown, Mass.  
    E. H. Jenner, Jamestown, Chautauqua County.  
    Joseph C. G. Kennedy, Washington.  
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The double-led statements in the text, words in brackets, foot-notes marked "—[P.]" and those on pages 11, 13, and 19, not so marked, were inserted by the Assistant Secretary. Other foot-notes belong to the original text to which they refer.



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## APPENDED COPIES OF ORIGINAL DOCUMENTS.

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### PRELIMINARY REPORT.

UNIVERSITY OF THE STATE OF NEW YORK, }  
OFFICE OF THE REGENTS, }  
ALBANY, *April 15*, 1867. }

*To the Honorable the Legislature of the State of New York:*

The Regents of the University respectfully represent that, on the 10th day of April, 1866, they submitted to the Legislature a report on the longitude of the western boundary line of the State (Assembly document, No. 191), in which it was mentioned that an historical sketch of that boundary line was in course of preparation, and was intended to be furnished as an appendix to the report. In the progress of their investigations, the Regents have ascertained facts of marked historical interest in regard to the subject, many of which seem to have been almost entirely overlooked. No authentic record of this boundary has thus far been found in the office of the Secretary of State, and it is feared, after a long and diligent search in public offices and elsewhere, in almost every direction, that the report of the survey is now irrecoverably lost. With the exception of this document, the Regents are now in possession, as they believe, of all, or nearly all, the important material for completing their design in regard to the boundary referred to.

While engaged in this investigation, the Regents have also been led to examine, to some extent, the history of the southern boundary, so far as it coincides with the forty-second parallel of latitude, *i. e.*, westward from the Delaware river; and they find that the archives of the State afford only scattered and imperfect memorials of the circumstances attending the

establishment of this boundary. While it is believed that the other boundary lines of the State have been the subject of considerable attention and investigation, there seems to be no good reason why the facts in regard to the southern boundary should not be collated and preserved. Many of these facts have been condensed into the formal description of the boundaries of the State contained in the Revised Statutes; yet the patience and learning of the revisers have not sufficed to prevent the insertion, as it is confidently believed, of at least three historical errors in the description of a single monument at the intersection of the southern and western boundaries; while, in regard to the western boundary, there is no distinct and correct statement as to when, by whom and under what authority it was established. When it is considered that the State of New York, through her agency in establishing this boundary, generously relinquished, for the national good, a large portion of her territory, and that this was the pioneer act which led to the final ratification of the Articles of Confederation of 1777, and to the adoption of the policy of the general government in relation to the public domain, it is not a little surprising that there is no satisfactory historical account extant of these important events, in which the wisdom and patriotism of the State were so largely displayed.

The Regents, therefore, respectfully suggest the propriety of authorizing them to report to the Legislature, at a future day, such information concerning the several boundaries of the State as they may be able to procure from the State archives and otherwise, with the view of stimulating and guiding investigation, and of placing in a condensed and permanent form, as far as may be, these interesting records of our early history.

The Regents beg to inform the Legislature that, in pursuance of the authority conferred by a joint resolution of the Senate and Assembly, passed April 16, 1866 (Session Laws of 1866, page 2137), they have opened a correspondence with the Governor of Pennsylvania in regard to the subject of replacing and renewing the monument on the shore of Lake Erie, before

referred to, and it is hoped that the Legislature of the State will authorize the requisite concurrent action for this purpose.

During the past year, the Regents have taken some pains to ascertain, by correspondence, the condition of the monument originally erected at the intersection of the southern and western boundaries of the State, and they are informed that the site of this monument is at or near the center of a highway, with no visible mark to denote its position. It is quite probable that many of the milestones and other landmarks originally placed upon the boundaries of the State are becoming obliterated, and the Regents, therefore, suggest the propriety of such an appropriation by the Legislature as may enable them to ascertain the facts in relation to such monuments, and to meet the necessary expenses of collecting such historic material as may be needed for the preparation of an account of the several boundaries of the State, as before suggested.

All of which is respectfully submitted.

By order of the Regents.

JOHN V. L. PRUYN,

*Chancellor of the University.*

S. B. WOOLWORTH,

*Secretary.*

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IN SENATE, *April* 19, 1867.

*Resolved*, That in view of the communication of the Regents of the University to the Legislature, dated April 15, 1867, the said Regents are hereby authorized to cause an examination to be instituted as to the condition and true location of the monuments which mark the several boundaries of the State, and to ascertain whether any and what action may be needed to preserve or renew them; and also to procure and put in form such historical information in regard to the said boundaries as they may deem to be of interest, at an expense in the whole, not to exceed three thousand dollars, and to report their proceedings under this resolution to the Legislature.



# COPIES OF ORIGINAL DOCUMENTS

RELATING TO THE SUBJECT OF

## Territorial Extent and Boundaries.

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### PART I.

THE ORIGINAL TERRITORIAL EXTENT OF THE PROVINCES OF  
NEW NETHERLAND AND NEW YORK, AND THE SUCCESSIVE  
STEPS BY WHICH THE STATE OF NEW YORK  
WAS REDUCED TO ITS PRESENT LIMITS.

RESOLUTION OF THE STATES GENERAL [OF THE UNITED  
NETHERLANDS] ON THE REPORT OF THE DISCOVERY OF NEW  
NETHERLAND.

\*

\*

\*

\*

SATURDAY, *the 11th October*, 1614.

Appeared at the Assembly the Deputies from the United Company of Merchants who have discovered and found New Netherland, situate in America between New France and Virginia, the sea coasts whereof lie in the Latitude of forty to forty-five degrees. And who have rendered a Report of their said Discovery and finding, requesting, in consequence, the Grant promised by their High Mightinesses' published placard. Deliberation being had thereon, their High Mightinesses have granted and allowed, and hereby grant and allow, the Petitioners that they alone shall have the right to resort to, or cause to be frequented, the aforesaid newly discovered countries situate in America between New France and Virginia, the sea coasts whereof lie in the Latitude of from forty to forty-five degrees, now named New Netherland, as is to be seen by a Figurative Map hereunto annexed ; and that for four Voyages,

within the term of three years commencing the first January XVI<sup>c</sup> and fifteen next coming, or sooner, to the exclusion of all others. \* \* \* \*

—[*N. Y. Col. Doc.*, i, 10 ; see also, “ *Grant of Exclusive Trade to New Netherland*,” of same date, *Idem*, i, 11.

The Dutch West India Company was incorporated by the States General on the 3d day of June, 1621. The following provisions, among others, are included in the charter:

\* \* That for the Term of four and Twenty years, none of the Natives or Inhabitants of these countries shall be permitted to sail to or from the said lands, or to traffic on the coast and countries of *Africa* from the *Tropic of Cancer* to the *Cape of Good Hope*, nor in the countries of *America*, or the West-Indies, beginning at the south end of *Terra Nova*, by the streights of *Magellan*, *La Maire*, or any other streights and passages situated thereabouts to the streights of *Anian*, as well on the north sea as the south sea, nor on any islands situated on the one side or the other, or between both ; nor in the western or southern countries reaching, lying, and between both the meridians, from the *Cape of Good Hope*, in the East, to the east end of *New Guinea*, in the West, inclusive, but in the Name of this United Company of these United Netherlands. \* \* \* \*

II. That, moreover, the aforesaid company may, in our name and authority, within the limits herein before prescribed, make contracts, engagements and alliances with the princes and natives of the countries comprehended therein, and also build any forts and fortifications there, to appoint and discharge Governors, people for war, and officers of justice, and other public officers, for the preservation of the places, keeping good order, police and justice, and in like manner for the promoting of trade ; and again, others in their place to put, as they from the situation of their affairs shall see fit. Moreover, they must advance the peopling of those fruitful and unsettled parts, and do all that the service of those countries, and the profit and increase of trade shall require : And the company shall

successively communicate and transmit to us such contracts and alliances as they shall have made with the aforesaid princes and nations; and likewise the situation of the fortresses, fortifications and settlements by them taken.,

III. Saving, that they having chosen a governor in chief, and prepared instructions for him, they shall be approved, and a commission given by us: And that further, such governor in chief, as well as other deputy governors, commanders, and officers, shall be held to take an oath of allegiance to us and also to the Company.

\* \* \* \*

— [*Hazard's Amer. State Papers*, i, 121–123.

WEST INDIA COMPANY TO THE STATES GENERAL.

May 5, 1632.

\* \* \* \*

The English themselves, according to their charter, place New England on the coast between the forty-first and forty-fifth degrees of latitude.

But the English began in the year 1606, to resort to Virginia, which is South of our territory of New Netherland, and fix the boundaries, according to their charter, from the thirty-seventh to the thirty-ninth degree.

So that our boundaries, according to their own shewing, should be from the thirty-ninth degree inclusive, to the forty-first degree, within which bounds we are not aware that they ever undertook any plantation.

What boundaries your High Mightinesses have granted to your subjects, can be seen by the charter issued in the year 1615.<sup>1</sup> \* \* \* \*

— [*N. Y. Col. Doc.* i, 51–2.

COST OF NEW NETHERLAND, NOW NEW YORK.

The Dutch West-India Company failed in 1634, and from a state of their accounts drawn up in 1635 (part of which

<sup>1</sup> This seems to be the “charter” of Oct. 11, 1614, which took effect Jan. 1, 1615.—[P.

was in possession of Mr. Henry Kip, late of New York, deceased, and from which this extract was made) it appears, that

	Guilders. Stuyvers.	
Fort Amsterdam, in New Netherland, cost		
the Company . . . . .	4 171	10
And that New Netherland (the Province) cost	412 800	11

— [*Hazard's Amer. State Papers*, i, 397.

#### REMONSTRANCE OF NEW NETHERLAND.

July 28, 1649.

\* \* \*

\* In the year of Christ 1609, was the Country, of which we now propose to speak, first found and discovered at the expense of the General East India Company—though directing their aim and design elsewhere—by the ship *de Halve Mane*, whereof Henry Hudson was master and factor. It was after-wards named New Netherland by our people, and that very justly, for it was first discovered, and taken possession of, by Netherlanders and at their expense. \* \* We have heard the Indians also frequently say, that they knew of no other world or people previous to the arrival of the Netherlanders here. For these reasons, therefore, and on account of the similarity of Climate, Situation and fertility, this place is rightly called *New Netherland*. It is situate along the North Coast of America, in the latitude of 38, 39, 40, 41, 42 degrees, or thereabouts. It is bounded on the North East side by New England, on the South West by Virginia; the coast trends mostly South West and North East, and is washed by the Ocean; on the North runs the river of Canada, a great way off in the interior; the North West side is partly still unknown. \* \* \*

— [*N. Y. Col. Doc.*, i, 275.

#### OF THE LIMITS OF NEW-NETHERLANDS, AND HOW FAR THE SAME EXTEND.

New-Netherlands is bounded by the ocean or great sea, which separates Europe from America, by New England and

the Fresh (Connecticut) river, in part by the river of Canada, (the St. Lawrence,) and by Virginia. \* \* On the south side, the country, is bounded by Virginia. Those boundaries are not yet well defined, but in the progress of the settlement of the country, the same will be determined without difficulty. On the north-east the New-Netherlands abut upon New-England, where there are differences on the subject of boundaries which we wish were well settled. On the north, the river of Canada stretches a considerable distance, but to the north-west it is still undefined and unknown. Many of our Netherlanders have been far into the country, more than seventy or eighty miles from the river and sea-shore. We also frequently trade with the Indians, who come more than ten and twenty days' journey from the interior, and who have been farther off to catch beavers, and they know of no limits to the country, and when spoken to on the subject, they deem such enquiries to be strange and singular. Therefore we may safely say, that we know not how deep, or how far we extend inland. There are however many signs, which indicate a great extent of country, such as the land winds, which domineer much, with severe cold, the multitudes of beavers, and land animals which are taken, and the great numbers of water-fowl, which fly to and fro, across the country in the spring and fall seasons. From these circumstances we judge that the land extends several hundred miles into the interior; therefore, the extent and greatness of this province are still unknown. —[ *Van der Donck's Description of New Netherlands*, 1656; (see *N. Y. Hist. Society Collections*, 2d series, i, 138.)

## GRANT TO THE DUKE OF YORK, 1664.

[Copied from Original Parchment in N. Y. State Library. Interlined portions are indicated by parentheses. For copy of same as recorded in office of Secretary of State, see opposite page.]

**C**harles the Second By the grace  
 of God King of England Scotland France and Ireland  
 defender of the faith etc To ALL to whome these pre-  
 sents shall come Greeting KNOW YEE that wee for divers good  
 Causes and Consideracons us thereunto moveing HAVE of our  
 especiall grace certaine knowledge and meere mocon given and  
 Graunted And by these presents for us our heires and Successors  
 Doe give and Graunt unto our dearest Brother James Duke of  
 Yorke his heires and Assignes ALL that part of the Mayne land  
 of New England begining att a certaine Place called or knowne  
 by the name of S<sup>t</sup> Croix next adioyneing to New Scotland in  
 America and from thence extending along the Sea Coast unto  
 a certaine Place called Petuaquine or Pemaquid and (soe) upp  
 the River thereof to the furthest head of the same as itt  
 tendeth Northwards and extending from thence to the River of  
 Kinebequi and soe upwards by the shortest course to the River  
 Cannada Northward And alsoe all that Island or Islands comonly  
 called by the severall name or names of Matowacks or Long  
 Island scituate lyeing and being towards the west of Cape Codd  
 and the Narro Higansetts abutting upon the Mayne land  
 betweene the twoe Rivers there called or knowne by the  
 severall names of Conectecutte and Hudsons River Together  
 alsoe with the said River called Hudsons River and all the  
 land from the west side of Conectecutte River to the East  
 side of De la Ware Bay And alsoe all those severall Islands  
 called or knowne by the names of Martin Vinyards and Nan-  
 tukes otherwise Nantukett Together with all the lands Islands  
 Soyles Rivers Harbours Mynes Mineralls Quarries Woods  
 Marishes Waters Lakes ffishings hawking hunting and ffowle-  
 ing and all other Royalties proffitts Comodities and heredita-

[Continued on page 12.]

## GRANT TO THE DUKE OF YORK, 1664.

[Copied from Original Record in Office of N. Y. Secretary of State (*Patents* i, 139). Interlined words are indicated by parentheses. For copy of same from Original Parchment in N. Y. State Library, see opposite page.]

**C**harles the Second By the Grace  
 of God King of England, Scotland, France & Ireland,  
 Defender of the faith &c. To ALL to whom these p<sup>nts</sup>  
 shall come Greeting, KNOW YEE, that wee for divers good  
 Causes and consideracons Us thereunto moving, HAVE of Our  
 especiall Grace certaine knowledge and meere motion, given, and  
 Granted, And by these presents for us Our heires and Successo<sup>rs</sup>  
 Do give and Grant unto Our Dearest Brother, James Duk<sup>e</sup> of  
 York<sup>e</sup>, his heires and Assignes, All that part of the maine Land  
 of New England, beginning at a Certaine place called or knowne  
 by the name of S<sup>t</sup> Croix next adjoyning to new Scotland in  
 America, and from thence extending along the Sea Coast, unto  
 a certaine place called Petuaquine, or Pemaquid, and so up  
 the River thereof, to the furthest head of y<sup>e</sup> same as it  
 tendeth Northwards, and extending from thence, to the River of  
 Kinebequi, and so upwards by the Shortest Course to the River  
 Canada Northward, And also all that Island or Islands commonly  
 called by the Severall name or names of Matowacks or Long  
 Island, Scituate lying and being towards the west of Cape Codd,  
 and y<sup>e</sup> narrow Higansetts, Abutting upon the maine Land  
 betweene the two Rivers there called or knowne by the  
 (severall) names of Conecticut and Hudsons River, together  
 also w<sup>th</sup> the said River called Hudsons River and all the  
 Land from the west side of Conecticut,<sup>1</sup> to y<sup>e</sup> East side  
 of Delaware Bay, And also all those severall Islands called  
 or knowne by the names of Martins Vinyard & Nantukes,  
 otherwise Nantukett, Together with all y<sup>e</sup> Lands, Islands,  
 Soyles, Rivers, Harbours, Mines, Mineralls, Quarryes, Woods,  
 Marshes, Waters, Lakes, fishings, Hawking, Hunting, and ffowl-  
 ing, and all other Royalltyes proffitts, Commodities and heredita-

[Continued on page 13.]

<sup>1</sup>The word "River" is wanting here, in the original record from which this copy is made.

ments to the said severall Islands lands and premisses belonging and appertaineing with their and every of their appurtenances AND all our Estate right title interest benefitt advantage Clayme and demandaund of in or (to) the said lands and premisses or any part or parcell thereof AND the Revercon and Revercons Remynder and Remynders together with the yearely and other the Rents Revenues and proffitts of all and singuler the said premisses and of every part and parcel thereof To HAVE AND TO HOLD All and singuler the said lands Islands hereditaments and premisses with their and every of their appurtenances hereby given and Graunted (or herein before mentioned to bee given and granted) unto our said dearest Brother James Duke of Yorke his heires and Assignes for ever To the only proper use and behoofe of the said James Duke of Yorke his heires and Assignes for ever To bee holden of us our heires and Successors as of our Manor of East Greenwich in our County of Kent in ffree and Comon Soccage and not in Capite or by Knights Service YEILDING AND RENDERING And the said James Duke of Yorke Doth for himselfe his heirs and Assignes covenant and promise to yeild and Render unto us our heires and Successors of and for the same yearely and every yeare ffortie Beaver Skynns when they shall bee demanded or within Nynety days after AND WE DOE FURTHER of our especiall grace certaine knowledge and meere mocon for us our heires and Successors give and Graunt unto our said dearest Brother James Duke of Yorke his heires Deputyes Agents Comissioners and Assignes by these presents full and absolute power and authority to Correct punish Pardon Governe and Rule all such the Subjects of us our heires and Successors as shall from tyme to tyme Adventure themselves into any the parts or Places aforesaid or that shall or doe att any tyme hereafter Inhabite within the same according to such Lawes Orders Ordinances direcons and Instruments as by our said dearest Brother or his Assignes shall bee established And in defect thereof in Cases of necessitie according to the good discrecons of his Deputyes Comissioners Officers or Assignes respectively as well in all

[Continued on page 14.]

m<sup>ts</sup> to the said severall Islands, Lands and premisses belonging & appertaining, w<sup>th</sup> their and every of their appurtenances, And all Our Estate, Right, Title, Interest, benefitt, Advantage, Claime and demand, of in or to the said Lands and p<sup>re</sup>misses, or any part or parcell thereof, And the Revercon and Revercons, remainder & Remainders, together w<sup>th</sup> the Yearly and other y<sup>e</sup> Rents (Revenues) and proffitts, of all and Singular the said premisses, and of every part and parcell thereof; To HAVE & TO HOLD all and Singular the said Lands, Islands, hereditam<sup>ts</sup> and p<sup>re</sup>misses, w<sup>th</sup> their and every of their appurtenances, hereby given and granted, or herein before mentioned to be given and granted, unto Our<sup>1</sup> Dearest Brother, James Duk<sup>e</sup> of York<sup>e</sup>, his heires and Assignes for ever, To the onely proper use and behoofe of the said James Duk<sup>e</sup> of York<sup>e</sup> his heires and Assignes for ever, To be holden of us, Our heires and Successo<sup>rs</sup> as of Our Manno<sup>r</sup> of East Greenw<sup>ch</sup> in Our County of Kent, in ffree and Common Socceage, and not in Capite, nor by Knight Service, YEILDING and RENDRING, And the said James Duk<sup>e</sup> of York<sup>e</sup>, doth for himselfe, his heirs and Assignes, Covenant & promise to Yeild and render, unto us our heires and Successo<sup>rs</sup>, of and for the same, yearly and Every yeare forty Beaver Skins, when they shall be demanded, or within ninety days after, AND WEE DO FURTHER, of Our speciall Grace, certaine knowledge, and meere mocon, for us, our heires and Successo<sup>rs</sup>, Give & grant unto Our said Dearest Brother, James Duk<sup>e</sup> of Yorke his heires, Deputyes, Agents, Commission<sup>rs</sup> and Assignes by these p<sup>nts</sup>, full and absolute power and Authority to Correct, punish, pardon, Governe and Rule all such the Subjects of Us Our heires and Successo<sup>rs</sup> as shall from time to time adventure themselves, into any the parts or places aforesaid, or that shall or doe at any time hereafter, Inhabite w<sup>th</sup>in the same, according to such Lawes, Orders, Ordinances, Direcons and Instruments, as by Our said Dearest Brother, or his Assignes, shall be established, And in defect thereof in Cases of necessity, according to the good discrecons of his Deputyes, Commission<sup>rs</sup> Officers or Assignes respectively, as well in all

[Continued on page 15.]

<sup>1</sup>The word "said" is wanting here, in the original record from which this copy is made.

Causes and matters Capitall and Criminall as Civill both Marine and others SOE ALLWAYES as the said Statutes Ordinances and Proceedings bee not contrary to but as neare as conveniently may bee agreeable to the Lawes Statutes and Governement of this our Realme of England AND SAVEING and reserveing to us our heirs and Successors the receiveing heareing and determineing of the Appeale and Appeales of all or any Person or Persons of in or belonging to the Territories or Islands aforesaid in or touching any Judgment or Sentence to bee there made or given AND FURTHER that it shall and may bee lawfull to and for our said dearest Brother his heires and Assignes by these presents from tyme to tyme to Nominate make Constitute Ordeyne and Confirme by such Name or Names Stile or Stiles as to him or them shall seeme good and likewise to revoke discharge Change and alter as well all and singuler Governors Officers and Ministers which hereafter shall bee by him or them thought fitt and needfull to bee made or used within the aforesaid Parts and Islands and alsoe to make Ordayne and Establish all manner of Orders Lawes direcons Instrucons formes and Ceremonies of Government and Magistracy fitt and necessary for and concerneing the Government of the Territories and Islands aforesaid soe allwayes as the same bee not contrary to the Lawes and Statutes of this our Realme of England butt as neare as may bee agreeable thereunto And the same att all tymes hereafter to putt in Execucon or abrogate revoke or change not only within the Precincts of the said Territories or Islands butt alsoe upon the Seas in goeing and comeing to and from the same as hee or they in their good discrecons shall thinke to bee fittest for the good of the Adventurers and Inhabitants there AND WE DOE FURTHER of our especiall grace certaine knowledge and meere mocon Graunt Ordeyne and Declare That such Governors Officers and Ministers as from tyme to tyme shall bee authorized and appointed in manner and forme aforesaid shall and may have full power and authority to use and exercise Marshall lawe in cases of Rebellion Insurrecon and Mutiny

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Causes and matters Capitall and Criminall, as Civill, both Marine and others, Soe alwayes, as the said Statutes, Ordinances & proceedings be not contrary to, but as neare as conveniently may be Agreeable to the Lawes Statutes & Governm<sup>t</sup> of this Our Realme of England, And Saving and reserving to us, Our heirs and Successo<sup>rs</sup> y<sup>e</sup> receiving hearing and determining of the Appeale and Appeales of all or any person or persons, of, in, or belonging to y<sup>e</sup> Territoryes or Islands aforesaid, in or touching any Judgment or Sentence to be there made or given, And further, that it shall and may be Lawfull, to & for our said Dearest Brother, his heires and Assignes by these p<sup>nts</sup>, from time to time, to nominate, make, constitute, ordaine and confirme by such name or names, Stile, or Stiles as to him, or them shall seeme good, And likewise to revoke discharge, Change and Alter, as well (all) and Singular Governo<sup>rs</sup> Officers & Minist<sup>rs</sup> which hereafter shall be by him or them, thought fitt and needfull to be made or used w<sup>th</sup>in the aforesd parts & Islands, And also to make Ordaine, and Establish all manner of Orders, Lawes, directions Instrucons, formes and Ceremonyes of Governm<sup>t</sup> and Magistracy fitt and Necessary for and concerning the Government of the Territoryes and Islands aforesd so alwayes as the same be not contrary to the Lawes and Statutes of this Our Realme of England, but as neare as may bee Agreeable thereunto And the same at all times hereafter to put in Execucon, or abrogate, revoke or Change not only within the p<sup>re</sup>cincts of the said Territoryes, or Islands, but also upon the Seas in going and coming to and from the same, as hee or they in their good discrecons, shall thinke to be fittest for the good of the Adventurers, and Inhabitants there, AND WE DO FURTHER of Our speciall grace, certaine knowledge and meere mocon, Grant Ordaine and declare That such Governo<sup>rs</sup> Officers and Ministers, as from time to time shall be Authorized, and appointed in manner and forme aforesaid, shall and may have Full power and Authority, to use and Exercise Marshall law, in Cases of Rebellion, Insurrecon and Mutinie,

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in as large and ample manner as our Leiftennants in our Countyes within Our Realme of England have or ought to have by force of their Comission of Leiutennancy or any lawe or Statute of this our Realme AND WEE DOE further by these presents for us our heires and Successors Graunt unto our said dearest Brother James Duke of Yorke his heires and Assignes that itt shall and may bee lawful to and for the said James Duke of Yorke his heires and Assignes in his or their discrecons from tyme to tyme to Admitt such and soe many Person and Persons to Trade and Traffique unto and within the Territoryes and Islands aforesaid and into every or any part and parcell thereof And to have possesse and enioye any lands or hereditaments in the parts and Places aforesaid as they shall thinke fitt according to the Lawes Orders Constitucons and Ordinances by our said Brother his heires Deputyes Comissioners and Assignes from tyme to tyme to bee made and established by virtue of and according to the true intent and meaneing of these presents and under such Condicons reservacons and Agreements as our said Brother his heires or Assignes shall sett downe Order direct and appoint and not otherwise as aforesaid AND WEE DOE FURTHER of our especial grace certaine knowledge and meere mocon for us our heirs and Successors give and Graunt to our said deare Brother his heires and Assignes by these presents that itt shall and may bee lawfull to and for him them or any of them att all and every tyme and tymes hereafter out of any Our Realmes or Dominions whatsoever to take lead Carry and Transport in and into (their) Voyages and for and towards the Plantacon of our said Territoryes and Islands all such and soe many of our loveing Subjects or any other Strangers being not prohibited or under restraint that will become our loveing Subjects and live under our Allegiance as shall willingly Accompany them in the said Voyages Together with all such Cloathing Implements ffurniture and other things usually Transported and not Prohibited as shall bee necessary for the Inhabitants of the said Islands and Territoryes and for their use and defence

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in as large and Ample manner as our Lieutenants in our Countyes w<sup>th</sup>in Our Realme of England, have, or ought to have by force of their Commission of Lieutenancy, or any Law or Statute of this our Realme, And wee do further by these p<sup>'</sup>nts, for us Our heires and Successo<sup>rs</sup>, Grant unto Our said Dearest Brother, James Duke of York<sup>e</sup>, his heires and Assignes, That it shall and may be Lawfull, to and for the said James Duke of York<sup>e</sup> his heires and Assignes, in his or their discrecons from time to time, to admitt such, and so many person and persons to Trade and Traffique unto and w<sup>th</sup>in the Territoryes and Islands, aforesaid, and into every or any part & parcell thereof, and to have possesse and Enjoy, any Lands, or hereditam<sup>ts</sup> in y<sup>e</sup> parts and places aforesaid, as they shall thinke fitt according to the Lawes, orders, Constitucions, and Ordinances, by Our said Brother, his heires Deputyes Commission<sup>rs</sup> and Assignes, from time to time to be made and established, by vertue of, and according to the true intent and meaning of these p<sup>'</sup>nts and under such Condicons, Reservacons and Agreem<sup>ts</sup> as Our sd Brother, his heires or Assignes shall set downe, Order, direct, and appoint and not otherwise, as aforesd AND WEE DO FURTHER of Our especiall grace, certaine knowledge and meere mocon, for us, Our heirs and Successo<sup>rs</sup> give and grant, to Our said Deare Brother his heires and Assignes by these p<sup>'</sup>nts, That it shall and may bee Lawfull to and for him, them, or any of them, at all and every time and times hereafter, out of any Our Realmes or Dominions whatsoever, to take, leade, Carry and Transport in and into their Voyages, and for and towards the Plantacon of Our said Territoryes and Islands, all such, and so many of Our Loveing Subjects, or any other Strangers, being not prohibited or under restraint, that will become Our Loving Subjects, and live under Our Alegiance, as shall willingly accompany them in the said Voyages together w<sup>th</sup> all such Cloathing Implements, furniture and other things, usually transported and not prohibited, as shall be necessary for the Inhabitants of the said Islands, and Territoryes, and for their use and defence

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thereof and maunaging and Carrying on the Trade with the People there and in passing and returneing to and fro YEILDING AND PAYING to us our heires and Successors the Customes and Duties therefore due and payable according to the lawes and Customes of this our Realme AND WEE DOE alsoe for us our heires and Successors Graunt to our said dearest Brother James Duke of Yorke his heires and Assignes and to all and every such Governor or Governors or other Officers or Ministers as by our said Brother his heires or Assignes shall bee appointed to have power and Authority of Governement and Comaund in or over the Inhabitants of the said Territories or Islands that they and every of them shall and lawfully may from tyme to tyme and att all tymes hereafter for ever for their severall defence and safety encounter expulse repell and resist by force of Armes as well by Sea as by land and all wayes and meanes whatsoever all such Person and Persons as without the speciall Lycence of our said deare Brother his heires or Assignes shall attempt to inhabite within the severall Precincts and Lymitts of our said Territories and Islands AND ALSOE all and every such Person and Persons whatsoever as shall enterprize or attempt att any tyme hereafter the distruccon Invasion detriment or annoyance to the Parts Places or Islands aforesaid or any part thereof AND LASTLY OUR WILL and pleasure is and wee doe hereby declare and Graunt that these our Letters Pattents or the Inrollment thereof shall bee good and effectuall in the Law to all intents and purposes whatsoever NOTWITHSTANDING the not reciteing or menconing of the premisses or any part thereof or the Meets or Bounds thereof or of any former or other Letters Patents or Graunts heretofore made or Graunted of the premisses or of any part thereof by us or of any of our Progenitors unto any other Person or Persons whatsoever Bodyes Politique or Corporate or any Act Lawe or other Restraint incertainty or ymperfeccion whatsoever to the contrary in any wise notwithstanding ALTHOUGH EXPRESSE MENCON of the true yearly value or certainty of the premisses or of any of them or of

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thereof, and manageing and carrying on the Trade w<sup>th</sup> the people there and in passing and returning to and fro: YEILDING & PAYING to us Our heires and Successo<sup>rs</sup> the Customes and Dutyes therefore due and payable, according to the Lawes and Customes of this Our Realme, AND WE DO ALSO, for us Our heires and Successors Grant to Our said Dearest Brother, James Duk<sup>e</sup> of York<sup>e</sup>, his heires and Assignes, and to all and every such Governo<sup>r</sup> or Governo<sup>rs</sup> or other Officers or Ministers, as by Our said Brother his heires or Assignes shall be appointed to have power and Authority of Governm<sup>t</sup> and Command in or over the Inhabitants of the said Territoryes or Islands, that they and every of them shall, and Lawfully may from time to time, and at all times hereafter for ever, for their severall defence and Safety, Encounter, expulse, repell, and resist by force of Armes as well by Sea, as by Land, and all wayes and meanes whatsoever, all such person and persons, as w<sup>th</sup>out the speciall Licence of Our said Deare Brother his heires or Assignes, shall attempt to Inhabit w<sup>th</sup>in the severall p<sup>re</sup>-cincts and Limits of Our said Territoryes, and Islands, And also and every such person and persons whatsoever, as shall enterprize or attempt at any time hereafter, the destruccon, invasion, detriment or annoyance to y<sup>e</sup> parts, places, or Islands, aforesaid, or any parte thereof, AND LASTLY, Our will and pleasure is, and we<sup>e</sup> do hereby declare and grant, that these Our Letters Patents, or the Inrollm<sup>t</sup> thereof shall be good and effectuell in the Law, to all intents and purposes whatsoever, NOTWITHSTANDING the not reciting or menconing of the premisses or any part thereof, or the meets or Bounds thereof, or of any former, or other L<sup>r</sup>es Patents or Grants heretofore made or granted of the premisses, or of any part thereof by us, or of any of Our Progenit<sup>rs</sup> unto any other person or persons, whatsoever, Bodyes Politique or Corporate, or any Act, Law or other restraint, incertainty or imperfection whatsoever, to the contrary in any wise notw<sup>th</sup>-standing, ALTHOUGH EXPRESSE MENCON, of the true yearly value, or certainty of the p<sup>re</sup>misses, or <sup>1</sup> any of them, or of

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<sup>1</sup> The word "of" was written here and then partially erased, in the original record from which this copy is made.

any other Guifts or Graunts by us or by any of our Progenitors or Predecessors heretofore made to the said James Duke of Yorke in these presents is not made or any Statute Act Ordinance Provision Proclamacon or Restriccon heretofore had made Enacted Ordeyned or provided or any other matter Cause or thing whatsoever to the contrary thereof in any wise notwithstanding IN WITNES whereof Wee have caused these our Letters to bee made Patents WITNES our Selfe att Westminster the Twelveth day of March in the Sixteenth yeare of our Raigne

By the King

HOWARD

any other gifts or Grants by us, or by any of Our Progenitors or Predecessors heretofore made to the said JAMES DUK<sup>E</sup> OF YORK<sup>E</sup>, in these presents, is not made, or any Statute, Act, Ordinance, provision, Proclamacon, or restriction, heretofore had, made, Enacted ordained or provided, or any other matter, cause, or thing whatsoever to the contrary thereof in any wise Notwithstanding.

IN WITNESSE whereof, Wee have caused these Our Letters to be made Pattents WITNESSE Our selfe at Westminster the twelveth day of March, in the Sixteenth Yeare of Our Raigne.

BY THE KING.  
HOWARD.

\* \* \* \*

To remove any doubt of the validity of the Duke's title, either from the want of seizin in the crown when it originated, or on account of the intermediate conquest by the Dutch, it was confirmed to His Royal Highness by further letters patent, dated the 29th day of June, 1674.

\* \* \* \*

—[*Journal of N. Y. Gen. Assembly, March 8, 1773, p. 92.*]

#### SECOND GRANT TO THE DUKE OF YORK, 1674.

**C**harles the Second By the Grace of God, King of England Scotland, France and Ireland, Defender of the ffaith &c, To ALL TO WHOM these presents shall come Greeting; KNOW YEE, that wee for divers good causes and consideracons, HAVE of our especial Grace, certaine knowledge and meer motion, GIVEN and granted, and by these p<sup>re</sup>sents, for us, our Heirs and Successors Do give and graunt unto our Dearest Brother, JAMES DUKE OF YORKE, his Heires and Assignes, ALL that part of the Maine Land of New England, begining at a certaine place called or knowne

by the name of S<sup>t</sup> Croix, next adjoyning to New Scotland in America; and from thence extending along the Sea-Coast, unto a certaine place called Petuaquine or Pemaquid, and so up the River thereof, to the furthest head of the same, as itt tendeth Northwards, and extending from the River of Kinebeque, and so upwards by the shortest Course to the River Canada Northwards; And all that Island or Islands, commonly called by the severall name or names of Matowacks or Long Island, Scituate and being towards the West of Cape Cod, and the narrow Higansetts, abutting upon the Maine Land, between the two Rivers there, called or knowne by the severall names of Conecticut and Hudsons River, together also with the said River called Hudsons River, and all the Land from the west side of Conecticut River, to the East side of Delaware Bay; And also all those severall Islands, called or known by the names of Martin-Vineyards and Nantukes, otherwise Nantuckett; Together with all the Lands, Islands, Soiles, Rivers, Harbo<sup>rs</sup>, Mines, Mineralls, Quarryes, woods, Marshes, waters, Lakes, ffishings, Hawking, Hunting & ffowling; And all other Royalties, proffits, Commodities and Hereditam<sup>ts</sup>, to the said severall Islands, Lands and premisses, belonging and appertaining, w<sup>th</sup> their and every of their Appurtenances, and all our Estate, Right, Title, & Interest, benefit and advantage, Claime and demand, of, in or to the said Lands or p<sup>re</sup>misses, or any part or parcell thereof; And the Revercon and Revercons, remainder & remaind<sup>rs</sup>, together with the yearly and other Rents, Revenues and Proffits of the p<sup>re</sup>misses, and of every part and Parcell thereof; To HAVE AND TO HOLD [etc.]

\*

\*

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\*

IN WITNESSE whereof wee have caused these our L<sup>r</sup>es to bee made patents, witnesse our selfe at westm. the 29<sup>th</sup> day of June, in the 26<sup>th</sup> yeare of our Reigne.

PIGOTT.

—[*Deeds, in office of N. Y. Sec'y of State* i, 1; *N. Y. Col. MSS.*, xxiii, 362.

DUKE OF YORK'S RELEASE OF NEW JERSEY, TO JOHN LORD  
BERKELEY, AND SIR GEORGE CARTERET, JUNE 24, 1664;  
RENEWED JULY 29, 1674.

THIS INDENTURE made the *four* and *Twentieth* day of  
*June*, in the *Sixteenth* Year of the Reign of our Sovereign Lord,  
CHARLES the Second by the Grace of God of *England*,  
*Scotland*, *France* and *Ireland*, KING Defender of the Faith, &c.  
*Anno. Domini*, 1664. Between His Royal Highness, JAMES  
Duke of *York*, and *Albany*, *Earl of Ulster*, Lord High  
Admiral of *England* and *Ireland*, Constable of *Dover-Castle*,  
Lord Warden of the Cinque Ports, and Governor of *Portsmouth*,  
of the one Part: *John Lord Berkeley*, Baron of  
*Stratton*, and one of His Majesty's most Honourable Privy  
Council, and Sir, GEORGE CARTERET of *Saltrum* in the  
county of *Devon*, Knight and one of His Majesty's most  
Honourable Privy Council, of the other Part: Whereas  
his said Majesty King CHARLES the Second, by his Letters  
Patents under the Great Seal of *England*, bearing Date  
on or about the *Twelfth* Day of *March*, in the *Sixteenth* Year  
of his said Majesty's Reign, did for the consideration therein  
mentioned, give and grant unto his said Royal Highness JAMES  
Duke of *York*, his Heirs and Assigns, all that part of the  
Main Land of *New-England*, beginning at a certain Place  
called or known by the Name of *St. Croix* next adjoining to  
*New-Scotland* in *America*; and from thence extending along  
the Sea Coast \* \* together also with the said River called  
*Hudson's-River*, and all the Land from the West side of  
*Connecticut-River* to the East side of *Delaware Bay*: And  
also several other Islands and Lands in the said Letters Patents  
mentioned, \* \* with divers other Grants, Clauses, Provisos  
and Agreements, in the said recited Letters Patents contain'd,  
as by the said Letters Patents, relation being therunto had,  
it doth and may more plainly and at large appear Now this  
Indenture Witnesseth, that his said Royal Highness JAMES  
Duke of *York*, for and in consideration of a competent sum of  
good and lawful Money of *England* to his said Royal Highness  
JAMES Duke of *York* in Hand paid by the said JOHN LORD

BERKLEY and Sir GEORGE CARTERET, \* \* forever by these Presents, hath granted \* \* unto the said JOHN LORD BERKLEY and Sir GEORGE CARTERET, their Heirs and Assigns for ever, All that Tract of Land adjacent to *New-England*, and lying and being to the Westward of *Long-Island* and *Manhitas* Island, and bounded on the East part by the main Sea, and part by *Hudson's* River, and hath upon the West *Delaware* Bay or River, and extendeth Southward to the Main Ocean as far as *Cape-May* at the Mouth of *Delaware* Bay; and to the Northward as far as the Northermost Branch of the said Bay or River of *Delaware*, which is forty one Degrees and forty Minutes of Latitude, and crosseth over thence in a strait Line to *Hudson's* River in forty one Degrees of Latitude; which said Tract of Land is hereafter to be called by the Name or Names of *New Ceaserea* or *New-Jersey*: \* \* with their and every of their appurtenances, in as full and ample manner as the same is granted to the said Duke of *York* by the before recited Letters Patents; \* \* IN WITNESS whereof the Parties aforesaid to these Presents have interchangeably set their Hands and Seals, the Day and Year first above Written.

*Sign'd, Seal'd and deliver'd*

JAMES.

*in the Presence of*

WILLIAM COVENRYE,

THOMAS HEYWOOD.

—[*Leaming and Spicer's Laws of New Jersey*, pp. 8–11, 46–48.

REPORT OF THE COMMISSIONERS CONCERNING THE BOUNDARIES  
BETWEEN NEW YORK AND CONNECTICUT, 1664.

By virtue of his majesties Commission wee have heard the Differences aboutt the bounds of the pattents granted to his Royall highnesse the Ducke off Yorke and his majestes Colony of Connecticott and having deliberately considered all the reasons alleged by Mr Allyn Sen<sup>r</sup>. Mr. Gold Mr. Richards and Cap<sup>t</sup>. Wintrop appointed by the assembly held at hartfort the 13<sup>th</sup> day off octoB 1664, to accompany John Winthrop Esq<sup>r</sup> (the governor off his majesties Collony off Conecticott) to New Yorke and by Mr Howell and Cap<sup>t</sup> Yong off Long

Island, Why y<sup>e</sup> Long Island Should be under the government of Conecticut which are to Long here to be recited

Wee Doe declare and order that the Southerne bounds off his maj<sup>ties</sup> Collony of Conecticut, is the Sea and that Long Island is to be under the government off his Royall highnesse the duke off Yorke as is exprest by plane words in the s<sup>d</sup> patents respectively

And alsoe by virtue off his maj<sup>ties</sup> Comission and by the Consent off both the govern<sup>rs</sup> and the gen<sup>t</sup>: above named wee alsoe order and declare that the Creeke or River called Momoronack w<sup>ch</sup> is Reputed to be about twelve miles to the east of Westchester, And a line Drawn from the East point or side, where the fresh water falls into the Salt at high water marke. North north west to the Line of the Machatuchets, Be the westward bounds off the Said Collony off Conecticut and all plantations Lying westward of that Creeke and Line Soe Drawne to be under his Royall highnesse governm<sup>t</sup>. And all Plantations lying Eastward off that Creeke and Line to be under the governm<sup>t</sup> of Conecticut Given under our hands at ffort James in New Yorke on Manhatans Island this 30. day off Novemb 1664.

RICH<sup>d</sup> NICOLLS  
GEORGE CARTWRIGHT  
SAMUEL MAVRICK

a true copy compared with the originall

ELIAZER [surname illegible] Secret<sup>y</sup>

—[*N. Y. Col. MSS.*, xxii, 5 ; *Smith's Hist. of N. Y.*, i, 36, 37.

We the governour and commissioners of the general assembly of Conecticut, do give our consent to the limits and bounds above mentioned, as witness our hands.

— GOLD,  
JOHN WINTHROP, JUN.  
JOHN WINTHROP,  
ALLEN, SEN.  
RICHARDS.

—[*Smith's Hist. of N. Y.*, i, 37.

GOV. NICOLLS CONCERNING TERRITORIES OF HIS ROYAL HIGHNESS THE DUKE OF YORKE IN AMERICA. ABOUT 1669.

\* \* \* \*

3<sup>d</sup>. The Tenure of lands is derived from his R. H.<sup>s</sup> who gives and grants lands to Planters as their freehold forever, they paying the customary rates and duties with others towards the defraying of publique charges. The highes[t] rent or acknowledgment to his R. H.<sup>s</sup> will bee one penny *pr* acre for Lands purchased by his R. H.<sup>s</sup>, the least two shillings sixe pence for each hundred acres, whereof the Planters themselves are purchasers from the Indyans.

4. The Governour gives liberty to Planters to find out and buy lands from the Indyans where it pleaseth best the Planters, but the seating of Towns together is necessary in these parts of America, especially upon the Maine Land.

\* \* \* \*

—[*N. Y. Doc. Hist.*, i, 59 (4<sup>o</sup>); 87 (8<sup>o</sup>).

#### DENTON'S BRIEF DESCRIPTION OF NEW YORK.

That Tract of Land formerly called *The New Netherlands*, doth Contain all that Land which lieth in the North-parts of *America*, betwixt *New-England* and *Mary-Land* in *Virginia*, the length of which Northward into the Countrey, as it hath not been fully discovered, so it is not certainly known. The bredth of it is about two hundred miles. \* \* \*

—[*Denton's Brief Description*, 1670,<sup>1</sup> p. 1.

SIR JOHN WERDEN TO GOVERNOR ANDROS, JAN. 28, 167 $\frac{5}{6}$ .

\* \* \* \*

As to yo<sup>r</sup> thoughts of bounding the Dukes territoryes Northwards by Canada, you will doubtless doe well to looke upon them alwayes as being soe bounded, the Dutch having ever claymed & never lost the possession of the same, and when any occasion shalbe to take out a New Pattent (be it upon the

<sup>1</sup>“Mr. Rich in his catalogue of books relating to America, states this to be the first printed account in English, of the Province of New York.”

—[*MS. entry, on fly-leaf of copy in N. Y. State Library.*

better adjusting the Boundaries with Connecticut or otherwise)  
then care wilbe had of fixing this northerne limitt.

\* \* \* \*

—[*N. Y. Col. Doc.*, iii, 237.

Gov. ANDROS CONCERNING NEW YORK, 1678.

\* \* \* \*

9. Wee keepe good Correspondence with all o<sup>r</sup> neighbours as  
to Civill, legall or judicall proceedings, but differ with Con-  
necticut for o<sup>r</sup> bounds and mutuall assistance w<sup>ch</sup> they nor  
Massachusetts will not admitt.

10. Our boundaries are South, the Sea, West Delaware;  
North to y<sup>e</sup> Lakes or ffrrench; East Connecticut river, but  
most usurped and yett possêd by s<sup>d</sup> Connecticut some Islands  
Eastward & a tract beyond Kennebeck River called Pemaquid,  
&c. \* \* the Collony is in severall long narrow stripes of  
w<sup>ch</sup> a greate parte of the settlem<sup>t</sup> made by adventurers before  
any Regulacôn by w<sup>ch</sup> Incroachm<sup>ts</sup> without pattents w<sup>ch</sup> townes  
have lately taken but by reason of continuall warrs noe Survey  
made & [qu. of the] wildernesse, noe certaine computacôn  
can be made of the planted and implanted, these last 2 yeares  
about 20,000 acres taken up and pattedented for particuler per-  
sons besides Delaware, most of the land taken up except upon  
Long Island is improved & unlesse the bounds of the Duke's  
pattent be asserted noe great quantityes att hand undisposed.

\* \* \* \*

—[*N. Y. Doc. Hist.*, i, 60 (4°); 89 (8°).

Gov. DONGAN TO COMMITTEE OF TRADE ON THE PROVINCE OF  
NEW YORK, DATED 22D FEBRUARY, 1687.

\* \* \* \*

Further if Pennsylvania bee continued as by charter run-  
ning five degrees to the westward it will take in the most of  
the five nations that lie to the westward of Albany \* \*  
Those Indians and the people of this Govern<sup>t</sup> have been in  
continued piece @ amity one with another these fifty years  
And those Indians about forty years agoe did annex their lands  
to this Governm<sup>t</sup> @ have ever since constantly renewed the

same with every Governor that has been here both in the time of the Dutch @ the English @ in particular to myself who have given them largely in consideration of their lands

\* \* \* \*

I send a Map by Mr. Spragg whereby your Lop<sup>ps</sup> may see the several Govern<sup>ts</sup> &c how they lye.

\* \* \* \*

For the longitude latitude and contents of this Govern<sup>t</sup> I refer yo<sup>r</sup> Lo<sup>ps</sup> to the afore-mentioned Map wherein you will see in what narrow bounds we are cooped up

The land of this Government is generally barren rocky land except the land wee have right to on the Susquehanna river @ up into the country amongst our Indians where there are great quantities very good

\* \* \* \*

— [*N. Y. Doc. Hist.*, i, 98, 99, 101 (4°); 154, 158, 159 (8°).

#### TERRITORY INCLUDED IN THE FIRST ORGANIZATION OF COUNTIES.

AN ACT to divide this Province and Dependencies into Shires  
and Countyes. [Nov. 1, 1683.]

HAVEING taken into Consideracon the necessity of divideing the province into respective Countyes for the better governing and setling Courts in the same; BEE It Enacted by the Governour Councell and Representatives, and by the authority of the same, That the said province be divided into twelve Countyes as followeth.

THE *Citty and County of New-Yorke* to containe all the Island comonly called Manhatans Island Mannings Island and the two Barne Islands, the Citty to be called as it is New YORKE, and the Islands above specified, the County thereof.

THE *county of West Chester* to containe West and East Chester Bronx Land, ffordham, Annehooks Neck, Richbells, Minfords Islands, and all the Land on the Maine to the Eastward of Manhatans Island, As farr as the Government Extends, and the Younkers Land, and Northwards along Hudson's River as farr as the Highlands.

THE *County of Ulster* to containe the towns of Kingston Hurley and Marbletowne, ffox Hall, and the New Pallz, and all the Villages neighbourhoods and Christian Habitacons on the West side of Hudson's River from the Murderer's Creeke néare the Highlands, to the Sawyer's Creeke.

THE *County of Albany* to containe the Towne of Albany, the Collony of Renslaerswyck, Schonechtada, and all the villages, neighbourhoods and Christian plantacons on the East Side of Hudson's River from Roel of Jansen's Creeke and on the west side from Sawyer's Creeke to the Sarraghtoga.

THE *Dutchesses County* to be from the bounds of the County of West Chester on the south side of the Highlands along the east side of Hudson's River as farr as Roel of Jansen's Creeke, and eastward into the woods twenty miles.

THE *county of Orange* to begin from the Limitts or bounds of East and West Jersey on the west side of Hudson's River along the said River to the Murderer's Creeke or bounds of the County of Ulster and westward into the Woods as farr as Delaware River.

THE *County of Richmond* to containe all Staten Island, Shutter's Island, and the Islands of meadow on the West side thereof.

KING's *County* to conteyne the severall towns of Boshwyck, Bedford, Brewklin, fflatthbush, fflatlands, New Utrecht and Gravesend with the severall settlements and plantacons adjacent.

QUEENE's *county* to Containe the severall Towns of Newtowne, Jamaica, fflushing, Hempsteed and Oyster bay, with the severall outfarmes, settlements and plantacons adjacent.

THE *County of Suffolke* to Containe the severall Towns of Huntington, Smithfield, Brookhaven, Southampton, Southold, East Hampton, to Montank point, Shelter Island, the Isle of Wight, ffisher's Island and Plumb Island with the several outfarmes settlements and plantacons adjacent.

DUKE's *County* to Containe the Islands of Nantuckett, Martin's Vineyard, Elizabeth Island and No man's Land.

THE *County of Cornwall* to Containe Pemaquid, and all

his Royall Highnesses Territoryes in those parts with the Islands adjacent.

And forasmuch as there is a necessity of a high sheriffe in Every County in this province, *BEE it therefore Enacted by the Governour Councill and Representatives in General Assembly mett, and by the authority of the same* That there shall be yearly and Every yeare an High Sheriffe Constituted and Commissionated for Each County And that each Sheriffe may have his under Sheriff, Deputy or Deputyes.

— [*Dongan's Laws*, MS., pp. 12-14, in *Office of N. Y. Sec'y of State*; *N. Y. Revised Laws*, 1813, ii, *Appendix*, No. III.

In April, 1691, [*Vide* Bradford's edition of 1710] an act was passed, entitled, "An act to divide this province and dependencies into shires and counties" similar to the preceding, *except* in the following particulars.

*The city and county of New-York*, instead of the "two Barne Islands" merely names them "the Two Islands" and *in addition* thereto are included "The three Oyster islands, and the rest of the islands of the county," and "Manhattan's Island, *to be called* the city of New-York."

*Westchester county*, "Annehooke's Neck" not named — "Manor of Pelham," added.

*The county of Albany* — "the Towne of Albany," omitted to be named — "*Colony* of Renslaerswyck," called "*The Mannor* of Ranslaerswyck;" and instead of "to the Saraaghtoga," is substituted "to the uttermost end of Sarraghtoga."

*King's county* — "Boshwyck" called "Bushwick" — "Brucklyn" ["Brewklin"], called "Brookland."

*Queen's county* — after "Oyster Bay," is added "*with Horseneck*;" and are added, "The island called the *Two Brothers*, and Hullett's island."

— [*Revised Laws of N. Y.*, 1813, ii, *Appendix*, No. III.

CORNWALL COUNTY — PEMAQUID AND ITS DEPENDENCIES.

\* \* \* \*

Dr. Franklin B. Hough, the superintendent of the Census in New York, in his examination of documents in the State Department at Albany in 1854, discovered records and papers relating to the Duke of York's province in Maine, and his other possessions in Massachusetts. Having communicated the fact to this Society [Maine Historical], measures were immediately taken to procure copies of them for publication. Our State [Maine] promptly granted to the Society three hundred dollars to defray the expenses of copying and printing.

\* \* \* \*

— [*Maine Hist. Soc. Coll'ns*, v, *Article II, Prefatory Note*.

\* \* \* \*

By this beneficent act of the State, we have a collection of original documents,<sup>1</sup> touching one of the most interesting portions of our territory, of which ANCIENT PEMAQUID was, in fact, the Capital. \* \* \* \*

— [*Idem*, v, 141.

PEMAQUID.

The eighth and last grant of lands, by the Plymouth Council, within the present State of Maine, was the "PEMAQUID PATENT," which was dated Feb. 20th, 1631.<sup>2</sup> This was to two merchants of Bristol, Robert Aldsworth and Gyles Elbridge. It extended from the sea between the rivers Muscongus and Damariscotta, so far northward as to embrace 12,000 acres, besides settlers' lots; as it also was to include 100 acres, for every person, who should be transported hither by the proprietors within seven years, and reside here three years. The grant was made to the patentees in consideration of public services past, and their present engagements to build a town.

<sup>1</sup>Papers relating to PEMAQUID and parts adjacent in the present State of Maine, known as CORNWALL COUNTY, when under the *Colony of New York*, compiled from Official Records in the office of Secretary of State at Albany, N. Y. By FRANKLIN B. HOUGH. *Albany*, MDCCCLVI.

<sup>2</sup>For a copy of this Patent, see *Maine Hist. Soc. Coll.*, v, 207.

It included the Damariscove Islands, and all others within nine leagues of the shore.

\* \* \* \*

The earliest settlements seem to have been on the western banks of Pemaquid river, in 1623 or 4. \* \* \*

A fort was built there, the year before the date of the patent, \* \* and the plantation had a gradual uninterrupted growth till the first Indian war. The settlements extended to Damariscotta, and especially at the lower falls, they were seen rising on both sides of the river.

The visitants, as well as inhabitants, were highly pleased with the situation of Pemaquid. A smooth river navigable a league and a half above the point, a commodious haven for ships, and an eligible site for a fortress, at once, filled the eye.

\* \* \* \*

“The territory of Sagadahock,” situated between the river of that name and Damariscotta, a tract of only five leagues in width, including the Sheepscot and the Islands, had attracted early and perpetual attention. \* \* There were inhabitants, traders, and fishermen on the river continually from A. D. 1626, to the first Indian war. Also we find residents as early about Damariscotta lower falls, as at Pemaquid; and above Wiscasset, we are told, there were, in the year 1630, “fifty families on what were called *the Sheepscot farms*.” \* \*

—[*Williamson's History of Maine*, i, 241-3.

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\* \* When Charles II. returned to England, in the year 1660, notwithstanding his fair pretensions, the world was soon convinced that he intended to reign upon the same principles which had brought his father to the scaffold. His intention with regard to the colonies, was, to reduce them to the plan of twelve royal provinces, according to the ideas adopted by his father, in 1635, and to have a viceroy over the whole. According to this plan, he sent commissioners over, in the year 1665, with authority to reduce the Dutch settlements on the Hudson; to settle peace, and to establish good government in the colonies, Colonel Richard Nichols, who was afterwards

governour of New York, was joined with Sir Robert Carr, George Cartwright, and Samuel Maverick in the commission. The Dutch settlements at New York, Albany, and other places, were subdued by the English in that year; and the commissioners turned their attention to matters of government, but met so warm an opposition from the general court of Massachusetts, that nothing was done there. More attention was paid to them at Rhode Island and New Plymouth colonies.

\* \* \* \*

The commissioners, finding nothing to do in Massachusetts, went into New Hampshire, and finally, into the Province of Maine. Their intention was to maintain the twelve governments of 1635; and the King appointed his brother, the Duke of York, afterwards King James II. viceroy of the country. The exercise of this government was not extended to any other places, than to the Province of New York and to the Province of Maine, and the territory east of it, then called the county of Newcastle.

The attempt was, to consolidate the Province of Maine, and the other eastern division, into one government. The court holden by the commissioners, was at Sheepscott, fifteen miles east of the [then] Province of Maine; where they appointed a number of those persons, who were firm royalists, and who lived within the Province of Maine, in Scarborough, York, and Kittery, justices of the peace, under the Duke of York's government; and established admiralty and other courts within the same.

\* \* \* \*

Henry Jocelen, Esq. [and five others], appeared in commission, and declared their acceptance of the office and duty, by taking the oaths of allegiance and supremacy, as also that of a justice of the peace. \* \* Jossylyn [Jocelen] was appointed to decide, when the justices, including himself, were divided in their opinion, and the side he gave his vote on, prevailed on such division. This is the only institution of the kind which has ever been in the country or in England. \* \*

The principal influence of the duke's government, was at

Sheepscott, and Pemaquid. What is now called Newcastle, anciently Sheepscotte, was, under that government, called Cornwall, in the county of New Castle: all the lands there were bought of the Indians by John Mason; but governour Dungan, who was governour of New York, as well as of the eastern country, granted a great part of the territory over again. \* \* \* \*

—[*Sullivan's Hist. of Maine*, pp. 284–286, 288, 289.

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The obscurity which has involved the history of that portion of Maine included within the patent of the Duke of York, while under the ducal government, has long been felt and acknowledged, and historians in their accounts of this period, have been obliged in the absence of authentic documents, to rely upon slight and imperfect data. The following papers now for the first time printed, it is believed, will add much to our acquaintance with the annals of the section known as "*Pemaquid and its dependencies*," in the early records of New-York.

\* \* \* \*

The New-York records do not show what jurisdiction was asserted over the eastern portion of the Duke's territories prior to the reduction of New-York by the Dutch in 1673. Upon that occasion the General Court of Massachusetts, under pretext of a survey that included the territory, took possession of the Pemaquid settlements, organized a local government, and in July, 1674, a court was held under this authority, within the Duke's territories. Upon the restoration of New-York to the English, by the peace of Westminster, a new patent, embracing the same territory, was taken out by the Duke of York, and upon the arrival of governor Andross, measures were taken to re-establish this authority throughout the government. Civil and military commissions were issued, and upon the organization of a General Assembly in New York in 1683, and the division of the colony into counties, "Pemy-Quid, and all the Territories in those Parts, with the Islands adjacent," were erected into the county of *Cornwall*,

and entitled to send one member to the General Assembly.<sup>1</sup> This connection continued until the succession of the Duke of York to the throne, when by a royal order these territorys were annexed to the New England government.

\* \* \* \*

— [*Hough's Pemaquid Papers*,—*Introduction*.

At a Councell June 9, 1677

A proposall being made by the Governor whether it would bee advisable to send to take Possession and assert the Dukes Interest at Pemaquid, & parts adjacent Eastward, according to his Roy<sup>ll</sup> H<sup>s</sup> Pattent or nott.

Upon consideracon had thereupon, It was thought advisable so to do, And that if we make Peace with the Indyans there the Massachusetts to bee comprized if they Please.

All the ffishermen & old inhabitants to be restored and Protected.

\* \* \* \*

— [*Hough's Pemaquid Papers*, pp. 14, 15.

At a Councell &c. June 24<sup>th</sup>, 1680

Ordered, That some persons bee appointed to goe from hence to Pemaquid, for holding Co<sup>r</sup>ts.

That in their way they call in at ffishers Island, the Governm<sup>t</sup> whereof is to bee asserted, & that a Constable bee appointed there. They are likewise to put in at Martins Vineyard & Nantucket, that fitt Magistrates may be elected & confirmed there & that they be required to send one of their former number hither, to answer their neglect in not making due returnes of their Elections the last Yeare.

Blanck Civill Comissions for Martins Vineyard & Nantuckett.

Military Comissions for Pemaquid.

June 26. Saggadock magistrates or offic<sup>rs</sup> to continue, the Co<sup>rt</sup> to try onely for 40<sup>s</sup> instead of 5<sup>lb</sup> formerly granted them.

\* \* \* \*

Land to be given out indifferently to those that shall come

<sup>1</sup> It will be seen that Gyles Goddard actually represented Cornwall county during one session.

& settle, but no trade to bee at any other place than Pemaquid  
& none at all with the Indyans as formerly ordered.

\* \* \* \*

—[*Idem*, pp. 35, 36.

*A Commission for Cap<sup>t</sup> Francis Skinner to be Command<sup>r</sup> att  
Pemaquid and Parts Eastward.*

By the Comander in Chiefe

I doe hereby Constitute and appoint you Cap<sup>t</sup> Francis Skinner to be Command<sup>r</sup> att Pemaquid and Parts Eastward under the Governm<sup>t</sup>. of his Roy<sup>ll</sup>. Highnesse \* \* Given und<sup>r</sup> my hand and Seale in New Yorke this 30<sup>th</sup> of August 1681.

A. B.

[Anthony Brockholles.]

—[*Idem*, p. 45.

*A Letter from Cap<sup>t</sup> Brockholles to Justice Josline att Pemaquid,  
New Yorke August 24<sup>th</sup> 1682.*

Sir

In Answer to yo<sup>r</sup>s of the 17<sup>th</sup>: July I am Glad to heare of the Settlement of yo<sup>r</sup> Partes which must be Encouraged and is Left to your Mannagment with the advice of the Comander and those in Place According to the Regulacons and Orders given by the Governo<sup>r</sup>, which still Remaine in Force and must be Attended and Observed accordingly The number of Persons you mencon will add much to the strength and trade of the Country which Shall Endeavour to Supporte the Proper plans for Settlem<sup>t</sup>. You are best Acquainted with Therefore Left to you as Aforesaid to order the Laying out what wrott by Castine is of noe Importe you Knowing<sup>r</sup> the Extent of his Roy<sup>ll</sup> High<sup>s</sup> Limitts which must be Maintained according to his Pattent

\* \* \* \*

Yo<sup>r</sup> Affectionate ffriend

A. B.

—[*Idem*, pp. 58, 59.

*Commission for Settling the Duke of York's Title.* [November, 1683.]

Coll Tho. Dongan Liev<sup>t</sup> Gov<sup>r</sup> and Vice Admirall under his Royall High<sup>ss</sup> of New Yorke & Dependencyes in America.

By virtue of the authority Derived unto me I do hereby Constitute and appoint you, Ensigne Thomas Sharp John Allen Esq. Justices of the peace M<sup>r</sup> Richard Pattishall M<sup>r</sup> Alex<sup>r</sup> Waldrop M<sup>r</sup> Thomas Gyles or any three of you to be Commissioners for the settling his Royall Highne<sup>s</sup> territories between the River Kenebeck and S<sup>t</sup> Croix Giving you full power and authority to act as commissioners and to consult make rules and orders for the good and welfare of the said places and Government and to call to question and punish all offenders according to law and practise and all persons whom it may concerne are strictly charged & required to give you due respect & obedience accordingly \* \* \*

—[*Idem*, pp. 59, 60.]

At ffort James in New Yorke

September the 13<sup>th</sup> 1686. [1683.]

\* \* \* \*

Ordered that John Allen be made Sherrieff of Pemaquid & Dependences, as Islands & whatever is thereto belonging, & he is to appoint the ffreeholders of Pemaquid & Dependences to meet & Chose one Representative

\* \* \* \*

—[*Idem*, p. 73.]

*Petition from the Inhabitants of Pemaquid.*

To the Honred<sup>e</sup> Coll Thomas Dongan Left. Govern<sup>r</sup> \* \*

and to his Hone<sup>rb</sup>l Counsell now Sitting att New Yorke

The humble Petion of the inhabytance of the Extreme partes of his Riall Hiness Teritory Betwene the Riuer Kenybeke and S<sup>tt</sup> Croix

Humbly Sheweth

\* \* After seurill yeares suffring By ouer Great Distant ffrom New Yorke whare wee are all wayes to have oure Release in such and the Licke Cases —

P'mis the Boody of Lawes of New Yorke and the adjasent partes of his Ryall Hiness territory hath not these partes in it Thare ffore humbly Request that wee may bee A mimber of that Boody —

2<sup>ly</sup>— Thare has ben but one . . . . .<sup>1</sup> appointed ffor these partes which all Cases Com beffore and if Injustis Don any man vnder correccation bee it spoocken to the Loos of his Estate or Dammige to his parson this Law Appointes noe Appeall ffor vs which priueliges is a Lowed of By y<sup>or</sup> Hon<sup>r</sup> and Counsell at New Yorke and thare ffore hope yo<sup>r</sup> Hon<sup>er</sup> will prouide som way ffor ouer Release

\* \* \* \*

— [*Idem*, pp. 81–83.

At a Council Apr 21<sup>st</sup> 1684

\* \* \* \*

A petition from New Dartmouth for a patent<sup>2</sup> referred untill  
the Governo<sup>r</sup> go to Pemaquid

A petition from M<sup>r</sup> Alleyn for y<sup>e</sup> same referred untill the Govern<sup>r</sup> go to Pemaquid & both given back to M<sup>r</sup> Giles Goddard.

— [*Idem*, p. 94.

*Commission of Gyles Godard as Surveyor.*

Thomas Dongan Lieu<sup>t</sup> and Governor &c

Whereas by the Severall Petticons of the Inhabitants of Pemaquid it appears to be Convenient and necessary to have a Surveyor in the County of Cornwall I have therefore thought fitt to Constitute and appointe Giles Godard Esq<sup>r</sup> to be Surveyor of the said County and to Lay out any Tract or Parcell of Land not Exceeding the quantity of one hundred acres for Each Person and alsoe to survey all Toune Shippe not already Surveyed not any wayes Prejudiciall to any Persons Right or Interest and to make a Returne thereof to me for which this

<sup>1</sup> Part of record lost.

<sup>2</sup>For a copy of this petition, see *Hough's Pemaquid Papers*, pp. 95–100.

shall be your Warrant. Given under my hand and seale att Fortt James in New Yorke the 22<sup>d</sup> day of October 1684.

Passed the Office, THO: DONGAN  
J. SPRAGGE Sec<sup>r</sup>.  
—[*Idem*, pp. 106, 107.]

*Royal Order for the Surrender of Pemaquid to Massachusetts.*

James R.

Trusty & well beloved wee Greet you well. Whereas wee have thought fitt to direct that our ffort & Country of Pemaquid in Regard of its distance from New Yorke bee for the future annexed to & Continued under the Governm<sup>t</sup> of our territory & dominion of New England our will & pleasure is that you forthwith Deliver or cause to be delivered our said ffort & Country of Pemaquid with the Greate Gunns<sup>1</sup> ammunicon & stores of warr together with all other vtensills & appurtenances belonging to the said ffort into the hands of our trusty & welbeloved S<sup>r</sup> Edmund Andross Knight our Captaine Generall & Governour in Cheife of our territory & dominion of New England or to the Governour or Commander in Chêife there for the time being or to such person or persons as they shall Impower to receiue the same and for soe doing this shall be your warr<sup>tt</sup>.

Given at our Court at Windsor this 19<sup>th</sup> day of Sept<sup>r</sup> 1686 & in the second yeare of our Reigne.

By his Ma<sup>ties</sup> Comand

SUNDERLAND Cl.

—[*Idem*, pp. 130, 131; *Deeds*, viii, 75.]

SHEEPSCOT.

\*

\*

\*

\*

The loss of the "Sheepscot Records,"<sup>2</sup> or what was sometimes called "The Records of the Eastern claims of lands,"

<sup>1</sup>The Great Guns from the Fort at Pemaquid, after being carried to Boston, were by order of the King in the spring of 1691, transferred to New York. (N. Y. Coll. MSS., xxxvii.)

<sup>2</sup>Supposed to have been destroyed in the fire which consumed the Government House in Boston about 1748.

—[*Maine Hist. Soc. Coll.*, iv, 228.]

was irreparable. It was commenced by Walter Phillips of Damariscotta, who was chosen clerk of the commissioners appointed by the Duke of York, to settle his affairs in this section of country. It was entitled "The rolls of such Acts and Orders, passed the first session holden in the territories of his Highness, the Duke of York; on the Eastern and Northern side of Sagadahock, and extending to Novascotia; begun at the house of John Mason on the Sheepscot River, Sept. 15th, in the 17th year of our Sovereign Lord, the King, Anno Domini 1665." This contained a Registry of grants under the Duke of York, of Indian deeds and other conveyances, and was continued about 15 years, or till after the settlement was destroyed. \* \* \* \*

—[*Maine Hist. Soc. Coll.*, iv, 209, 210.

\* \* \* \*  
Although the precise year of founding this settlement is not known, yet it is quite certain that it was done as early as the above named year [1621]; for "In 1630," says Sullivan, "there were fifty families on what were called the "Sheepscot Farms." \* \* \* \*

My own<sup>1</sup> opinion is, that it was the most important and most populous of all the settlements made at that time in this region, that of Pemaquid alone excepted. It was here that the Duke of York established his County seat and had the principal business of his extensive province transacted.

\* \* \* \*  
Two elements of national character most probably entered into the formation of this settlement—the English and the Dutch. For while the names of the settlers which are found written in the Chronicles of the times, are of English origin, relics of manufactured articles, evidently of Dutch origin have been found in considerable quantities, among the ruins of this ancient settlement.

\* \* \* \*  
After the territory passed into the hands of the Duke of York, he appointed Commissioners to settle the affairs of Maine. Sept. 5th, 1665, they met at the house of John Mason, who

<sup>1</sup>The writer is Rev. David Cushman.—[P.

lived on the East Bank of Sheepscot River, at the "Great Neck," not far from a "Block House or small fort." There they erected the territory into a county by the name of Cornwall. The settlement at Sheepscot, together with what now comprises Newcastle, received the name of New Dartmouth; and they established the line which divided this county from Pemaquid.

\* \* \* \*

This section of country has passed through quite a variety of hands. In 1606, King James I, granted the Patent of "North and South Virginia, to an association of gentlemen which included all the territory lying between the 34th and 45th degrees of North latitude. In 1618, the grand Patent was issued to the council of Plymouth, another association of gentlemen whose head quarters were in Plymouth, England. This included all the territory lying between the 40th and 48th degrees of latitude. They held possession of this immense tract of country till 1635, when this council broke up and the whole territory was divided into 12 Royal Provinces. The first of these provinces embraced the country lying between the St Croix and Pemaquid, and from the head of the latter river to the Kennebeck in the nearest distance; thence upward to its source. This was called the "County of Canada," and was assigned to Sir Wm. Alexander, Earl of Stirling. It included the Muscongus grant, and the Easterly halves of the Pemaquid and Kennebeck Patents, extending to the 48th degree of North latitude.

This division embraced the settlement at Sheepscot, and in 1664 was assigned to the Duke of York, afterwards James II. who gave it the name of the "Territory of York;" but the Duke's agents called it Newcastle; it being the same name given to the southernmost section of his patent on the Delaware.

The Duke continued his claim to this territory till his abdication, which occurred in the 25th year of his reign, when it reverted to the Crown of England.

But the days of this colony were soon numbered. It was destined to fall during James' administration. But a half

century had passed away, when the war between the New England colonies, and King Phillip broke out and raged with terrible fury. \* \* \* \*

At that time, all the settlements on the Kennebeck river, together with those on Parker's and Arrowswick Islands, Cape Newaggan, Damariscove, New Harbor, Muscongus, Damariscotta, Pemaquid, St. George, besides scattered buildings in various places, were entirely consumed. The heathen left nothing remaining, and the land lay desolate many years. \* \* \* \*

— [*Idem*, iv, 218–223.]

#### ANCIENT PEMAQUID.<sup>1</sup>

The history of ANCIENT PEMAQUID has a peculiar interest not belonging to any other point on our shores. It unites us intimately to one of the principal commercial cities of England, for a lengthened period, second only to London; and with singular happiness, this historical affiliation is perpetuated in her recent corporate name, BRISTOL. \* \* \* \*

The merchants of Bristol were early and deeply engaged in the enterprises of American discovery, and England's most distinguished navigator [Hakluyt] was from that port. \* \* \* \*

Among the British merchants we recognize the names and families of ALDWORTH and ELBRIDGE, attractive to us as the Patentees of Pemaquid. \* \* \*

— [*Maine Hist. Soc. Coll.*, v, 147–149.]

\* \* Verily, Pemaquid forms the initial in New England Colonization, and this we have on the high authority of him whom we proudly claim as the Founder of Maine [Ferdinando Gorges.] \* \* \* \*

— [*Idem*, v, 157.]

Pemaquid, like Acadia, appears to have been of indefinite extent; but under this general name there seems to have been

<sup>1</sup> ANCIENT PEMAQUID; An Historical Review. Prepared at the request of the Maine Historical Society, for its Collections, by J. WINGATE THORNTON.

embraced at a later date Monhegan, and its companion, the islet of Monanis, the cluster of the Damariscove islands, and territory somewhat beyond the peninsula of Pemaquid proper. This euphonious title, which had designated this locality, for centuries, perhaps, before the discovery of the New World, and now so happily preserved, is supposed to be in the Indian tongue, nearly equivalent to our word promontory,—land jutting or reaching out into the sea,—a beautiful instance of the pictorial language of the primitive race.

—[*Idem*, v, 181.

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It is a glory to Pemaquid, that she can claim Samaset, or Sammerset, as her Lord or Sagamore, and as such he is entitled to our special attention. It was he who welcomed the Pilgrims at Plymouth, and seemed to them as God's messenger to prepare the way for them in the wilderness. \* \*

—[*Idem*, v, 186, 187.

\* \* At this period, [1625], Pemaquid was probably the busiest place on the coast, though Conant was then laying the foundation of Massachusetts at Cape Anne, and the Pilgrims at Plymouth were struggling for life. Weston Thomson and Gorges, were here. \* \* \*

—[*Idem*, v, 194.

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Every year added to the number of settlements, and Pemaquid was now [1631] looked upon as an old colony. \* \*

The futile and unhappy attempts to monopolize the trade and fisheries on our seas were a prolific source of discord and petty quarrels, highly injurious to the interests of the colony, and detrimental to the adventurers in England, because it embroiled them in the angry political strifes of the times. Their misery was the price of our liberty. The exclusive grant of the fisheries in the American seas was prominent in the catalogue of royal offences,—the abuses of prerogative, and violations of the Constitution. The last of these patents was that given to Aldworth and Elbridge. \* \* The grant bears date not long after the treaty of St. Germain, when "baby Charles," with that recklessness of national interest and honor

which made the Stuarts detestable, conveyed to France the whole of Canada and Acadia. This folly was the greater, because the limits of Acadia were left undefined. Pemaquid was within this doubtful jurisdiction, and from this time became one of the most important points in the colonial struggles of the two nations, and its fate depended chiefly on interests external to itself. It ranked as a military post, and its history is to be found in the State archives at Paris and London, at Boston and Albany, and at Toronto. From this it will be seen that Pemaquid has a twofold interest,—one, as illustrating the influence of European politics on the American colonies, and the other, the no less exciting story of its own romantic fortunes. \* \* \* \*

—[*Idem*, v, 198, 200, 201.

\* \* \* \*  
The interests or wishes of the people, if they presumed to have any, did, in fact, enter not at all into the consideration of the King, who disposed of their territory upon the caprice of the moment, and for merely personal objects, so that we are but little surprised by the gift of March 12th, 1664–5, to his brother James, the Papist, of the territory between the St. Croix and Pemaquid river. This was included in the Patent with New York. The Duke left them for years without any attention; yet if they had attempted self-government, after the precedent in Massachusetts, they would have been crushed. \* \* But, about this time, the visit of the Royal Commissioners caused a spasmodic action; they commissioned Henry Jocelyn, Esq., Rev. Robert Jordan, Mr. Thomas Gardner of Pemaquid, Mr. George Munjoy, Capt. Nicholas Raynol, and Mr. William Dyer, who took the oaths of allegiance and supremacy, and of a justice of the peace, on the fifth of September, in John Mason's house, on the Sheepscot. \* \*

The Massachusetts, puritan, or republican influence was steadily progressing, and only a small minority of the inhabitants appeared to swear allegiance to the new authorities. There were none from Monhegan, and only four from Pemaquid; Henry Chamness, Edmund Arrowsmith, George Buckland, and last of all, “Mr. Thomas Elbridge.” \* \*

It was all in vain ; and Thomas Elbridge lived long enough to sign with his fellows, a "Humble Request" to the Puritan Commonwealth, that they would "please so farr to favour us as to take us under your government and protection, that we may all have the Benefit of all those Laws settled amongst yourselves granted unto us." \* \* \*

For the next few years, there is little of moment in the local events. The struggles for jurisdiction in the east waxed warmer and warmer between Massachusetts and the crown : the former had the advantage of popular favor ; but this belongs rather to the general history of the State. The ever varying territorial names sufficiently indicate the fluctuating and uncertain tenure of authority. "The Duke of York's property," "The Territory of Sagadahock," "New Castle," "County of Cornwall," "Devonshire," appear in quick succession. \* \* \*  
— [*Idem*, v, 235–238, 242.

\* \* While the Council at Whitehall were fearful, and hesitating, Massachusetts proceeded with firmness in her rights. Under an act of May, 1671, George Munjoy of Falmouth ascertained by actual survey that Pemaquid and Monhegan, and other settlements were within her charter limits, and reported that "all the inhabitants East along, seemed much to desire" their government. This report was made in May of the year 1672. In the spring of the next year, the "Gents," "inhabitants of Pemaquid," were surprised by a letter from their "very affectionate friend," Lovelace of New York, deprecating censure for the Duke's total neglect of them for eight long years, and asking them what government would most conduce to their happiness and increase, and offering to invest them with ample power in both "Ecclesiastick and civil affayres." \* \* This benevolent design was frustrated by the Dutch, who captured New York, in the next July, and the pious Lovelace fled to England. Again the Pemaquiders were without a Shepherd. As abundant evidence of the popular wish and favor towards Massachusetts accumulated, the Puritan Commonwealth yielded to their prayers, and

under her authority a Court was held at Pemaquid on the 22d of July, 1674, the Commission for which, and the report of the proceedings under it, are found in the Colony Records.

\* \* \* \*

On the first of July, 1674, Major Edmund Andros was commissioned Governor of the territory between the St. Croix and Pemaquid. This did not disturb Massachusetts, and in May, 1675, she appointed Capt. Thomas Lake and others, to hold the courts in "Devonshire," as usual, and again in 1676, May 5th, they were commissioned to the same duty.

But tragic and fearful events were now rapidly approaching; the gathering cloud hushed every thought but that of personal safety; \* \* but ere thought had become action, escape was too late, and every settlement, yesterday in security and peace, was now laid waste by indiscriminate slaughter;

\* \* \* \*

News of the violence at Casco reached the Kennebec, and the next two days, August 13th and 14th, 1676, witnessed the destruction of the English settlements in "Devonshire County;" — Pemaquid, New Harbor, Corbins' Sound, and Windgin's were all seen on fire within the same two hours.

\* \* \* \*

— [*Idem*, v, 247, 248, 250, 253.

\* \* There is no doubt that Edmund Andros winked at the beginning of King Philip's terrible career, that he abandoned the Duke's Eastern territory and settlements, that Massachusetts was at first alone in aiding the Maine frontiers, and that when the country was, as he himself reported, "wholly deserted by the Indians," this Munchausen again took possession. This was in June, 1677. \* \* "Royall Highness" sloop with four guns, was appointed to guard the coast and fisheries. \* \* Andros endeavored to create a monopoly of fishing on the Duke's coasts, and established a custom house at Pemaquid, with a view to exclude Massachusetts from any further interference there.

They soon made peace with the Indians, in which Massachusetts was included. \* \* \*

Efficient measures were adopted for the settlement of Pemaquid, "the extreme parts of his Riall Hiness territory Betwene the River Kenybeke and St. Croix." \* \* \*

The inhabitants and fishermen of Pemaquid cared no more for "Riall Hiness," than did their fathers for Royal patents. At last these Pemaquiders, eighteen of them, in the year 1683, said to "Riall Hiness," in tolerably plain English, that they did not like his laws, or his governors, and that they would like to "bee a member of that Boody," at the other end of "Royall Hiness territory," and try to govern themselves. \* \* This serious remonstrance from the next door neighbors of the impracticable Puritans was not ineffectual; they "met and chose one Representative" of "the freeholders of Pemaquid and Dependancies," to go to New York. Mr. Gyles Goddard was the man; he carried two petitions from the people, but they were returned to him, with an order to wait the governor's leisure to visit Pemaquid. This is the whole record of Mr. Giles Goddard's parliamentary life. To induce people to immigrate to Pemaquid, large grants of land were made, with a recklessness that led to endless "disorders and confusions." They first made grants, and then sent a surveyor to locate the territory, if it could be found.

\* \* \* \*

His "Riall Hiness" became his "Majesty" James II., and his province reverted to the Crown; he appointed the detested Andros "Governor of New England," and on the nineteenth day of September, 1686, ordered that the fort and country of Pemaquid, with the great guns, ammunition and other stores of war, should be transferred to the government of New England.<sup>1</sup> Thus was dissolved an unnatural and inconvenient political relation between the remote territory of New York and Pemaquid. \* \* \*

— [*Idem*, 258, 259, 261, 263-5.]

<sup>1</sup>The details of these general Statements may be found in the Albany [Hough's] Pemaquid Papers.

DUKES COUNTY—NANTUCKET, MARTHA'S VINEYARD, AND  
ADJACENT ISLANDS.

\*                      \*                      \*                      \*

1668. The islands of Martha's Vineyard and Nantucket, although contiguous to the coast of New Plymouth, were included by name in the Duke of York's Patent. In 1641 they had been conveyed by Stirling and Gorges to Thomas Mayhew and his son, who, after 1654, finding that they were out of the jurisdiction of Massachusetts and New Plymouth, exercised a kind of independent government in their remote habitations.        \*                      \*                      \*

1671. Nicolls had appointed Thomas Mayhew to superintend affairs there; but as the relations between those islands and New York were vague, the governor notified their landholders to take out fresh patents. Mayhew accordingly came to New York in behalf of Martha's Vineyard, and Tristram Coffin, with Thomas Macy, represented Nantucket. Lovelace readily made Nantucket a township, and commissioned Coffin its chief magistrate, in subordination to New York. A similar patent was granted to Martha's Vineyard, of which the venerable Mayhew was appointed governor during his life. His grandson, Matthew Mayhew, was also commissioned as collector of the duke's customs for the several islands.        \*        \*

1673. At Martha's Vineyard, affairs went quietly on under the government of Mayhew, and a code of laws was passed at a General Court held at Edgartown. Nantucket, however, "would not proceed" in the same way; and Lovelace appointed Richard Gardner its chief magistrate, in place of Coffin, with instructions. One of these was that the island should thereafter be known as the town of Sherborne.

\*                      \*                      \*                      \*

1674. Although Pemaquid, Martha's Vineyard, and Nantucket had been included in the Duke of York's patent, and had been governed by Nicolls and Lovelace, they were not comprehended in Colve's commission.<sup>1</sup> This produced a sort

<sup>1</sup> Colve was Governor during the brief supremacy of the Dutch, in 1673.  
—[ P.

of interregnum in those secluded regions, and many disorders occurred. Some of the "opposition" inhabitants of Martha's Vineyard and Nantucket riotously endeavored to "transfer" them under the government of Massachusetts; but, through the firmness of the venerable Thomas Mayhew, they were held for the duke—the arrival of whose new governor was patiently waited for, "as in time of great drought, for the latter rain." Mayhew was accordingly reinstated in his "first right"; and the ringleaders in the late disorders were directed to be punished. Nantucket soon after declared that the coming of the duke's governor was to them "as the rising sun after a dark and stormy night." It was therefore ordered that the two islands should continue to enjoy their former privileges in subordination to the government of New York, and that the old magistrates should retain their places.

\* \* \* \*

1680. At the Court of Assizes this autumn, justices attended from New Jersey, Nantucket, and Pemaquid.<sup>1</sup> \* \*  
—[*Brodhead's Hist. of N. Y.*, ii, 138, 173–4, 199, 278, 335.]

#### PRUDENCE ISLAND — "SOPHY MANOR."

"A Patent or Confirmacon of Prudence Island Graunted unto Mr John Paine," was issued by Governor Lovelace, on the 25th day of July, 1672. It is described in the Patent as "a Certaine Island scituate lyeing & being in Narhygansett Bay comonly called and Known by the Indyan Name of Chebatwesett & y<sup>e</sup> English Name of Prudence Island which Stretcheth itselفة Length wise nearest North and South in the said Bay w<sup>ch</sup> said Island was heretofore Purchased for a Valluable Consideracon of the Sachems of the Narhigansett & other Indyans true Proprieto<sup>rs</sup> thereof by the Predecesso<sup>rs</sup> of Mr John Paine & himselfe in the Possession and Occupation

<sup>1</sup>The Court of Assizes was composed of the Governor, Members of the Council, High Sheriff and such Justices of the Peace as might attend. \* \* In addition to Judicial, this Court exercised a sort of Legislative power, and registered the Edicts of the Duke of York, and of the Governor and Council. \* \* It was abolished in 1683.  
—[*N. Y. Civil List*, 1870, pp. 43, 44.]

of whom it hath Continued for the space of Thirty Yeares & upwards & soe doth still remaine. \* \* & y<sup>e</sup> said p<sup>r</sup>sent Proprietor John Paine having been made acquainted that the said Island Together w<sup>th</sup> many other Islands in those Parts are included in his Royall Highness his Gen<sup>l</sup> Patent from his Ma<sup>tie</sup> as by a Commission under the Great Seale of England appeares and is expressed in these and other inclusive words, And also all those Severall Islands called and knowne by the Name of Martins Vineyard and Nantukes otherwise Nantukett Together w<sup>th</sup> all the Lands Islands Soyles Rivers Harbo<sup>rs</sup> & doth properly belong to this Province the w<sup>ch</sup> is likewise the Desire of the said John Paine that the said Island and Inhabitants should be Govern'd & bee under the Protection of his Royall Highness the w<sup>ch</sup> I have thought fitt and reasonable to Grant " \* \* by the name of Sophy Manno<sup>r</sup> \* \*

"Orders & Priveledges for y<sup>e</sup> Welfare & Good Governm<sup>t</sup> of Prudence Island" are recorded with the aforesaid Patent.<sup>1</sup>

— [*Patents*, iv, 86–90.

NEWCASTLE, KENT AND SUSSEX: — NOW PART OF PENNSYLVANIA.

\* \* \* \*

This province [Pennsylvania] and territories are by three distinct grants. 1. The province of Pensylvania by patent from K. Charles II. dated March 4, 1680–1. 2. The duke of York, 1683, August 24, sold to William Penn the elder, his heirs and assigns, the town of Newcastle alias Delaware, and a district of 12 miles round Newcastle. 3. Duke of York by another deed of sale August 24, 1683, made over to said William Penn, his heirs and assigns, that tract of land from twelve miles south of Newcastle, to the Whore-kills, otherwise called Cape-Henlopen, divided into the two counties of Kent and Sussex; which with Newcastle district, are commonly known by the name of the three lower counties upon Delaware river.

\* \* \* \*

— [*Douglass' Hist. of N. A.*, ii, 297.

<sup>1</sup> Disallowed by R. I., and authority resisted. — [*Hough's Gazetteer of N. Y* (1872), p. 48.

*Lords of Trade to Lord Cornbury, May 1, 1706.*

To the Right Hon<sup>ble</sup> the Lord Cornbury Governour of New York.

\* \* We have not received the Copy of King Charles the second's grant to the Duke of York for Lands from S<sup>t</sup> Croix to Delaware Bay, mentioned to be in your Lordp's letter of the 20<sup>th</sup> of November; \* \* however we have an entry in our Books of the said grant, \* \* and are satisfied that Newcastle and the two lower Counties, are not included in the grant; but M<sup>r</sup> Penn having a lease thereof from the Duke of York who was in possession, he does insist upon his own right by virtue thereof.

\* \* \* \*

—[*N. Y. Col. Doc.*, iv, 1175.

*Secy. Matlack to Agents of Pennsylvania.*

Philada. Novr. 30, 1782.

\* \* \* \*

After diligent search no other release from the Duke of York can be found than what relates to New Castle and the islands in Delaware &c. It is probable the record of his release of Penns. has been entered in New York, part of the records of that State are at Esopus & part in New York city, to the former Mr. Osbourne may have recourse.

\* \* \* \*

—[*Penn. Archives*, ix, 694.

FISHER'S ISLAND, — THE NORTH EASTERLY PART OF SUFFOLK COUNTY.

1668. \* A few miles from Stonington, in Connecticut, is island, about nine miles long and one broad, which the Dutch discovered in 1614, and named the "Visscher's" or Fisher's Island. As it was near the mouth of the Mystic, John Winthrop obtained a grant of it in 1640 from Massachusetts, and in the following year the assent of the Hartford Court; and in 1644, he bought it from the savages. But, as it was included in the Duke of York's patent, Winthrop procured from Nicolls a confirmation to himself of Fisher's Island "as an

entire enfranchised township, manor, and place of itself; and to have, hold and enjoy equal privileges and immunities with any other town, enfranchised place, or manor, within the government of New York; and to be in no wise dependent upon any riding, township, place, or jurisdiction whatsoever." In vain Connecticut afterward attempted to assert her authority over Fisher's Island. It still forms part of Suffolk county, in the State of New York, and was, until recently, owned by Winthrop's descendants. \* \* \*

—[*Brodhead's Hist. of N. Y.*, ii, 139.

SECOND MASSACHUSETTS CHARTER. OCTOBER 7, 1691.

WILLIAM and Mary, by the grace of God, of England, Scotland, France, and Ireland, King and Queen, defenders of the faith, &c. To all to whom these presents shall come, greeting. Whereas \* \* And whereas several persons employed as agents in behalf of our said colony of the Massachusetts Bay, in New England, have made their humble application unto us, that we would be graciously pleased, by our royal charter, to incorporate our subjects in our said colony, and to grant and confirm unto them such powers, privileges, and franchises, as in our royal wisdom should be thought most conducing to our interest and service, and to the welfare and happy state of our subjects in New-England. And we being graciously pleased to gratifie our said subjects; and also to the end our good subjects within our colony of New-Plymouth, in New-England aforesaid, may be brought under such a form of government, as may put them in a better condition of defence; and considering as well the granting unto them, as unto our subjects in the said colony of the Massachusetts Bay, our royal charter, with reasonable powers and privileges, will much tend, not only to the safety but to the flourishing estate of our subjects in the said parts of New-England, and also to the advancing of the ends for which the said plantations were at first encouraged, of our special grace, certain knowledge, and mere motion, have willed and ordained, and we do by these presents, for us, our heirs and successors, will and

ordain, That the territories and colonies commonly called and known by the names of the colony of the Massachusetts Bay, and colony of New-Plymouth, the province of Main, the territory called Accada, or Nova Scotia; and all that tract of land lying between the said territories of Nova Scotia, and the said province of Main, be erected, united and incorporated: and we do by these presents unite, erect and incorporate the same into one real province, by the name of our province of the Massachusetts Bay, in New-England; and of our especial grace, certain knowledge, and mere motion, we have given and granted, and by these presents, for us, our heirs and successors, do give and grant, unto our good subjects the inhabitants of our said province or territory of the Massachusetts Bay, and their successors, all that part of New-England, in America, lying and extending from the great river commonly called Monomack, alias Merimack, on the north part, and from three miles northward of the said river to the Atlantick or Western Sea or Ocean on the South part, and all the lands and hereditaments whatsoever, lying within the limits aforesaid, and extending as far as the outermost points or promontories of land called Cape-Cod, and Cape-Malabar, north and south, and in latitude, breadth, and in length, and longitude, of and within all the breadth and compass aforesaid, throughout the main land there, from the said Atlantic or Western Sea and Ocean, on the east part, towards the South Sea, or Westward, as far as our colonies of Rhode-Island, Connecticut, and the Narraganset country. And also, all that part and portion of main land, beginning at the entrance of Piscataway Harbour, and so to pass up the same into the river of Newichwannock, and through the same into the furthest head thereof, and from thence north-westward; till one hundred and twenty miles be finished, and from Piscataway Harbour's mouth aforesaid, north-eastward along the sea coast to Sagadahock, and from the period of one hundred and twenty miles aforesaid, to cross over land to the one hundred and twenty miles before reckoned up, into the land from Piscataway harbour through Newichwannock river, and also, the north half of the isles of Shoals,

together with the isles of Capawock, and Nantuckett near Cape-Cod aforesaid; and also the lands and hereditaments lying and being in the country or territory, commonly called Accada or Nova Scotia; and all those lands and hereditaments lying and extending between the said country or territory of Nova Scotia; and the said river of Sagadahock, or any part thereof; and all lands, grounds, places, soils, woods, and wood-grounds, havens, ports, rivers, waters, and other hereditaments and premisses whatsoever, lying within the said bounds and limits aforesaid, and every part and parcel thereof. And also, all islands and islets lying within ten leagues directly opposite to the main land, within the said bounds; and all mines and minerals as well royal mines of gold and silver, as other mines and minerals whatsoever in the said lands and premisses, or any part thereof. To have and to hold the said territories, tracts, countries, lands, hereditaments, and all and singular other the premisses, with their and every of their appurtenances, to our said subjects the inhabitants of our said province of the Massachusetts Bay in New-England, and their successors, to their only proper use and behoof, for evermore.

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And our will and pleasure is, and we do hereby, for us, our heirs and successors, grant establish, and ordain, That yearly, once in every year, for ever hereafter, the aforesaid number of eight-and-twenty councillors, or assistants, shall be by the general court or assembly, newly chosen; that is to say, eighteen at least of the inhabitants of, or proprietors of lands, within the territory formerly called the colony of the Massachusetts Bay, and four at least of the inhabitants of, or proprietors of lands within the territory formerly called New-Plymouth, and three at least of the inhabitants of, or proprietors of land within the territory formerly called the Province of Main, and one at the least of the inhabitants of, or proprietors of land within the territory lying between the river of Sagadahock and Nova Scotia:

\*

\*

\*

\*

Provided also, That it shall and may be lawful for the said

governor and general assembly, to make or pass any grant of lands lying within the bounds of the colonies formerly called the colonies of the Massachusetts Bay, and New-Plymouth, and province of Maine, in such manner as heretofore they might have done, by virtue of any former charter or letters patents; which grants of lands, within the bounds aforesaid, we do hereby will and ordain, to be and continue, for ever, of full force and effect, without our further approbation or consent; and so as nevertheless, and it is our royal will and pleasure, that no grant or grants of any lands lying or extending from the river of Sagadahock, to the gulph of St Lawrence and Canada rivers, and to the main sea northward and eastward, to be made or past by the governor and general assembly of our said province, be of any force, validity or effect, until we, our heirs and successors, shall have signified our or their approbation of the same.

\* \* \* \*

In witness whereof, we have caused these our letters to be made patents. Witness ourselves at Westminster, the seventh day of October, in the third year of our reign.

*By writ of Privy Seal,*

PIGOT.

—[*Lucas' Charters of Old English Colonies*, pp. 68, 74, 75, 77-8, 82, 85.

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On the Succession of William and Mary to the Throne of England, a new Charter was granted to New England, in which Nantucket was expressly declared a Part of Massachusetts. Concerning Martha's Vineyard, the Language of the Charter was less definite, which gave rise to an angry Dispute between the two Colonies, and an Appeal by the Government of New York to the Decision of the Crown.

There had been for many Years a Party upon the Islands who preferred the Jurisdiction of Massachusetts, and Oct. 15, 1673, many of the principal Freeholders of Martha's Vineyard had petitioned to be transferred to that Government.

\* \* \* \*

—[*Hough's Nantucket Papers*, pp. xvii, xviii.

·) At a Council at Fort William Henry,  
the 13<sup>th</sup> of Feb., 1692.

\* \* His Excell<sup>y</sup> did recommend to the Council to meet this Afternoon to consult of a Letter from S<sup>r</sup> William Phips, dated the 2<sup>d</sup> of January, come to Hand yestarday, with a printed Copy of the New England Charter, and to give him their Opinion under their Hands concerning Martha's Vineyard.

§ At a Council held at ffort William Henry,  
the 14th of Feb., 1692.

Ordered, the Opinion and Advice of the Council concerning S<sup>r</sup> Will<sup>m</sup> Phips L<sup>re</sup> and Martin's Vineyard be entered in the Council Book.

Ordered, the Addresse of the Council to their Ma<sup>ties</sup> setting forth the Circumstances of this Government, be entered in the Council Book.

*Opinion and Advice of the Council concerning Martin's  
Vineyard.*

\* \* \* \*

New York the 13<sup>th</sup> of February, 1692.

His Excellency Ben. Fletcher, &c., this Day having recommended to our Consideracon a Letter from S<sup>r</sup> William Phips dated the 2<sup>d</sup> of January last, come to Hand yesterday with a printed Copy of their Ma<sup>ties</sup> L<sup>res</sup> Patent for erecting and incorporating the Province of the Massachusetts Bay, in New England, not attested concerning Martin's Vineyard, and desired our Advice.

Upon Perusall of the s<sup>d</sup> printed Copy, having duely considered the same, and the Platt of New England before us, we doe finde that the North Halfe of the Isles of Shoals opposite to the Mouth of Piscataqua River, and the Isles of Capoa and Nantuckett to the Westward of Cape Cod, are nominally included in the said Grant, and in more general Words all Islands and Isletts lying within tenn Leagues directly opposite to the Maine Land, within the Bounds of the s<sup>d</sup> L<sup>res</sup> Patents which we are informed are many hundreds.

And we are humbly of Opinion that forasmuch as their Maties have ascertained the North Halfe of the Isles of Shoals to the Massathusetts Bay, leaving the South Half to the Province of New Hampshire, those Islands lying dubiously opposite to the Province of Main and Hampshire, and the Islands of Capoag and Nantuckett to the Massathusetts Bay, both which are to the westward of Cape Cod, which is the southernmost Bounds of their Patent, they can have noe Pretences by the s<sup>d</sup> L<sup>res</sup> Patents to Martin's Vineyard or any other Island to the westward of Nantuckett, which we humbly submitt and desire yo<sup>r</sup> Excellency will be pleased to recommend the same to their Maties by their Secr<sup>y</sup> of State for their Decision in that Affair.

\* \* \* \*

*Address to the King.*

The humble Adresse of your Majestyes Council for your Maties Province of New Yorke and Territoryes depending thereon in America.

Most Dread Sovereignes :

\* \* Sir William Phips \* \* doth not desist perswading other Parties equally destructive to your Maties Interest, as by seizing of Martin's Vineyard, a Member of this Government ever since its first Settlement, under yo<sup>r</sup> Maties Crown, tho' it be neither by Name in the Massathusetts Charter, nor by yo<sup>r</sup> Maties Command to yo<sup>r</sup> Maties Governor here ordered to be delivered. By reason whereof your Maties Peace is much disturbed, the Authority derived from the Crown impaired, and the Strength of this yo<sup>r</sup> Maties Province weakened, which is humbly submitted, \* \* \*

New York, Feb. the 10<sup>th</sup>, 1692.

—[*Hough's Nantucket Papers*, 146–148, 150–153.]

*Confirmation of the Agreement and Survey of the Line between  
New-York and Connecticut.*

At the Court at Kensington the 25<sup>th</sup> Day of March 1700.

PRESENT—The KING'S MOST EXCELLENT MAJESTY.

[and twelve officers of State.]

WHEREAS at a Council held at Fort James in New York, the 23<sup>d</sup> of November 1683 Certain Articles of Agreement were concluded, Between Collonel Thomas Dongan, then Governour of that Province, and the Council of the said Province On one side, and Robert Treat Esq<sup>r</sup> Governour of the Collony of Connecticut, Major Nathaniel Gold, Captain John Allyn Secretary, and Mr William Pitkin in Commission with him from Connecticut on the other side, in the words following:—

It is agreed that the Bounds Meers or Dividend between his Royal Highness's Territories or Province in America and the Collony of Connecticut for ever hereafter, shall be att a Certain Brook or River called Byram Brook or River, which River is Between the Towns of Rye and Greenwich, that is to say, att the Mouth of said Brook, where itt falleth into the Sound, att a Point called Lyons Point, which is the Eastward Point of Byram River, and from the said Point to go, as the said River Runneth to the Place where the Common Road or wading Place over the said River is, And from the said Road or wading Place, to go North, North West into the Countrey, so farr as will be Eight English Miles from the foresaid Lyons Point; And that a line of Twelve miles being measured from the said Lyons Point, according to the Line or General Course of the Sound Eastward, where the said Twelve miles endeth, another line shall be runn from the Sound Eight Miles into the Countrey North, North West, And also that a Fourth line be runn, that is to say, from the North most End of the Eight Mile Line, being the third mentioned Line, which Fourth line, with the first mentioned Line, shall be the Bounds, where they shall fall to Runn; And that from the Eastward End of the Fourth mentioned Line (which is to be Twelve miles in length) A line Parralel to Hudsons River in Every Point, twenty Miles distant from Hudsons River shall be the Bounds

there Between the said Territorys or Province of New York and the said Collony of Connecticut, so farr as Connecticut Colony doth Extend Northwards, that is to the South Line of the Massachusetts Colony. Only itt is Provided, that in case the Line from Byram Brooks mouth North, North West Eight miles, and the Line that is then to Run twelve miles to the End of the third forementioned Line, of Eight miles, do diminish or take away Land within Twenty miles of Hudsons River, that then so much as is in Land Diminished of Twenty miles from Hudsons River thereby shall be added, out of Connecticut Bounds unto the line afore mentioned Paralel to Hudsons River, and twenty miles distant from it, The Addition to be made, the whole length of the said Paralel Line and in such Breadth as will make up Quantity for Quantity, what shall be Diminished as aforesaid —

That what Arrearages are due from the Town of Rye, to the Collony of Connecticutt for former years, and the present years Rate shall be paid to Connecticut.

That two Surveyors be appointed, the One from New Yorke, and the other from Connecticut to make a Survey and Run the before mentioned Lines Partitions Limits and Bounds, Between His Royall Highness's Province of New Yorke, and the Collony of Connecticutt, And the Surveyors are to meet att the Town of Stanford on the first Wednesday of October next ensuing, and to be directed by one of the Council, and two more, Commissionated from Each Government

That if it shall please the Kings Majesty and his Royall Highness to accept and Confirm these Articles, they shall be good, to all Intents for Ever, Between His Royall Highness and his Heirs and Assigns, and the Corporation of Connecticut and their Successors, And this Agreement to be in full force Power and Vertue, from the Day of the date hereof. In Wittnes whereof the parties above mentioned have to these Presents Interchangeably Sett their hands and Seals, att Fort James, in New Yorke the 28<sup>th</sup> day of November in the Thirty fifth year of his Ma<sup>ties</sup> Reign, Annoq Dom<sup>i</sup> 1683.

And Whereas in pursuance of the aforesaid Agreem<sup>t</sup> an

Actual Survey of the Lands and Places therein mentioned was also made and Reported by the Surveyors and Commissioners appointed for that Service in the words following—

By Vertue, and in pursuance of a commission bearing date the 26<sup>th</sup> Day of September 1684 From the R<sup>t</sup> Hon<sup>ble</sup> Coll Thomas Dongan, Governour General of All his Royall Highness's Territories in America &c.

Wee under Written did upon the first Wednesday of this Instant October, meet att Stanford, Major Nathaniel Gold, Captain Jonathan Sileck, Ensign Daniel Sherman and M<sup>r</sup> John Herriman Surveyor, Commissionated by a General Court, held at Hertford, as by the Commission they produced, bearing Date, May the 8<sup>th</sup> 1684 doth fully appear, Wee went to Lyons Point, on the East side of Byram River, and from the mouth of said River where itt falls into the Sea, Wee measured up said River, and found itt to be One Mile and a half, and Twenty Rodds, bearing North, half Easterly, and so came to a great Stone att the wading Place, where the Road Cutts the

said River, thence directed Our Course, North,  
North West Six miles and a half, and there marked  
C. R. three White Oak Trees, as in the Margent,  
then directed Our Course West, and by North,

Seaven Miles, and One hundred and Twenty Rodds, which brought us to the Norther most End of a Reach of Hudsons River, which bears wee Judge, South and by West, a Quarter Westerly, and North and by East, a Quarter Easterly which abovesaid Line falls upon the said Reach about Three miles above Frederick Philipp's upper Mills over against Tapan, And the said River bearing North as to its General Course upward, Wee concluded the above mentioned West and by North Line, to be the Shortest from said Three mark'd Trees to Hudsons River, and having unanimously concluded that part of the Sound, from Lyons Point Easterly, to bear East North East, Wee did from said Trees, att Eight miles distance, Runn a Paralel to the Sound, (viz<sup>t</sup>) East North East, twelve miles, and Still continued said Twelve mile Line, East North East, One mile and sixty ffour Rodds, which then gaue

us twenty miles from Hudsons River, and is Eight miles North, North West from the Sound, then finding the Oblong of twelve miles, East North East, and Eight miles North, North West, did Diminish Sixty One Thousand, Four Hundred Forty Acres from the Twenty miles from Hudsons River, wee added to the abovesaid twenty miles upon the East North East Line Three hundred and ffine Rodds more to Runn att the Additional Breadth Paralel to Hudsons River, till it meet with the Massachusetts line, which wee Deemed One hundred distant miles from Our Eight mile Line, which Severall courses with their Distances, together with three Hundred and ffine Rodds added, do clearly appear in the Platt by the Surveyors drawn, and hereto Annexed, which Addition of three hundred and ffine Rodds, wee referr for its confirmation and Ratification to the Two Governments, from whence wee are Employed; And that the above written is a true Report of Our Proceedings, Wee have this Tenth of October the year above Written, Subscribed Our Names.

JOHN YOUNGS.	} Comm <sup>rs</sup> for New York
JOHN BELL.	
PHILLIP WELLS.	
ROB <sup>t</sup> VORKLAIN.	
NATHANIEL GOLD.	} Comm <sup>rs</sup> for Connecticut
JONATHAN SILECK.	
DANIEL SHERMAN.	
JOHN HARIMAN.	

And forasmuch as the Lords Commissioners of Trade and Plantations have represented to His Majestie upon occasion of a Late difference and Dispute between the said Province and Colony, relating to the Right of Government over the Towns of Rye and Bedford, lying on their Borders, That itt may be Necessary for Terminating of that Difference and preventing all future Disputes about the Division Line and Boundaries between the said Province and Colony, that His Majestie would please to declare His Royal Approbation and Confirmation of the said Agreement and Survey, His Majesty is graciously

pleased with the Advice of His Privy Council to Approve and confirm the same,

And pursuant to his Royal Pleasure thereupon, Signified and Expressed, the said Agreement and Survey, are hereby Approved and Confirmed accordingly; whereof the respective Governments of New York and Connecticut, The Towns of Rye and Bedford, and all Persons whom it may concern are to take due notice and to conform themselves thereunto.

JOHN POVEY.

—[*N. Y. Col. Doc.*, iv, 628–630.

GOVERNOR SLOUGHTER TO THE GOVERNORS OF THE SEVERAL  
PROVINCES, JULY 11, 1691.

\* \* I doubt not but you are very sensible of the many branches that have been lopped off from this government in the late reignes and that it is now confined to a great narrowness, haveing only Hudson's River and Long Island for the Bounds. \* \* \*

—[*N. Y. Col. Doc.*, iii, 785.

GOVERNOR & COUNCIL OF NEW YORK TO THE KING, AUGUST  
6, 1691.

\* \* \* \*

This your Maj<sup>ty</sup>'s Province was first settled and planted in the year of our Lord 1619, by the States Generall of the United Provinces, who did extend the line of their dominion from this Your Majesty's Citty of New Yorke to the eastward as farr as Conneticut River and to the westward along the coast beyond Delaware River and to the northward up Hudson's River so farr as Schenectady and from thence to the Lakes of Canada, and from thence to the westward so farr as the Sinnekes land or the Indian hunting reacheth. Since which time in the yeare of our Lord 1664. King Charles the Second did subdue and reduce to the allegiance of Your Majesty's crowne all the inhabitants and territorys within the limitts aforesaid; all which was granted by King Charles the Second unto his Royall Highness James Duke of Yorke in the same

yeare together with the governm<sup>t</sup> of all that tract of land to the westward of Delaware River unto Maryland.

His Royall Highness was pleased out of the premises to grant a certain tract of land unto the Right Honorable John Lord Barclay [Berkeley] and Sir George Carterett limited and bounded by Hudson and Delaware Rivers. \* \* William Penn procured a pattent from King Charles the Second for land to the westward of Delaware River now called Pensilvania. \* \* \*

His Royal Highness was also pleased to grant unto the said William Penn, New Castle upon Delaware River and twelve miles round about and afterwards he made another grant unto him of all the land to the Southward of New Castle.

Now, may it please your Majesty, all that hath been reserved out of the territorys and dominion aforesaid is only Long Island and some other small Islands adjacent, New York, Zopus [Kingston], Albany, and the limitts thereof; for the preserving of which the Crowne hath been at great charge, and for the support of Your Maj<sup>ties</sup> governm<sup>t</sup> there is now in Generall Assembly a revenue established upon the trade thereof. \* \* \*

Now may it please Your Most Excell<sup>t</sup> Maj<sup>ty</sup>

The premises considered we humbly presume and represent unto Your Most Sacred Majesty that there cann be no thing in America more conducive to Yo<sup>r</sup> Maj<sup>ties</sup> dignity and advantage and for the safety of Yo<sup>r</sup> Maj<sup>ties</sup> subjects upon this continent then that Connecticut, East and West Jersey, Pennsylvania and 3 lower Countys be re-annexed to this Yo<sup>r</sup> Maj<sup>ties</sup> Province which then will be a governm<sup>t</sup> of sufficient extent; \* \* \*

—[*N. Y. Col. Doc.*, iii, 796, 799.

LORDS OF TRADE TO SECRETARY VERNON, FEB. 17, 1693.

\* \* \* \*

This being the sum of what we have to offer relating to New England and the Countrys lying to the Eastward thereof, \* \* \*

The next boundary to be considered between the French and us, is the North and West parts of all his Majesties Plantations from New England to Carolina concerning which, tho the English Patents generally have allowed no bounds by land, but extended the grant of those lands from Sea to Sea. Yet the French since their possession of Canada, having at several times gone up the river St Lawrence and from thence into the Lakes South westward of the said river, lying all along upon the North and West of His Majesty's foresaid Plantations, tho it be no more than what has as frequently and as early been done by English men, yet they have thereupon from time to time extended their pretentions to the propriety of all the Countries bordering upon the said river and Lakes which if it should be allowed them, and that an entire freedome be not maintained for his Majestys subjects, to Trade at least with the Indians of those parts and for them and the said Indians to pass and repass without molestation it will turn to the very great prejudice of England and most particularly of New York and other his Majestys provinces in America; whose frontiers are furthest extended towards the places so claimed by the French.

Concerning the said frontiers therefore of New York and his Majesty's Right to the Sovereignty of the five Nations of Indians bordering there upon we send you here inclosed a Memorial, which about the month of July 1697, we prepared to be transmitted to his Majesty's Plenipotentiaries then at the Hague:<sup>1</sup> \* \* concerning the constant subjection and dependance of the said 5 Nations upon the Government of New York ever since the first settlement of that Country by the Dutch, in or about the year 1609: By which all the French pretentions to any Right over them (which we do not understand to be either in themselves of any weight, or that they reach any further backwards than the year 1666) seem unto us to be fully answered and made void.

\* \* \* \*

—[*N. Y. Col. Doc.*, iv, 477.

<sup>1</sup> See *N. Y. Col. Doc.*, v, 75.—[P.

MR. PENN'S SUGGESTIONS RESPECTING THE PLANTATIONS. 1700.

\* \* \* \*

4. That great caution should be observed to adjust the Bounds northwards with the French Com<sup>rs</sup> or the losse will be great and irreparable. Wee take the South side of the River and Lakes of Canada to be our just and reasonable boundarys, soile and trade with the Indians being much concerned therein.<sup>1</sup> \* \* \*

—[*N. Y. Col. Doc.*, iv, 757.

BOARD OF TRADE TO THE QUEEN, ON THE RIGHT OF SOVEREIGNTY OVER THE FIVE NATIONS. IN RELATION TO NEW YORKE AND ITS DEPENDENCIES. 2 JUNE 1709.

\* \* \* \*

Your Majesty's title to that Province is not disputed : But as the French have without any just right pretended to the Sovereignty over the five Nations of Indians bordering upon New Yorke, We humbly beg leave to annex a deduction of your Majesty's Right and Title to the Sovereignty over the said Indians \* \* it being our humble opinion that it is absolutely necessary for the security of the Province of New York, and the rest of your Majesty's Dominions in that part of America that the five Nations of Indians be preserved and maintained in their subjection to the Crown of Great Britain as formerly. \* \* \*

From the first settlement of the Colony of New York (which we take to have been about the year 1610) the five Nations of Indians commonly known by the names of Maquoas, Oneydes, Cayouges, Onondagues and Seneques, possessing the Lands to the Westward, and North West of that Plantation, have by many acknowledgments submissions, leagues or agreements, been united to, or depended on that Colony

<sup>1</sup>" William Penn advised to establish the St. Lawrence as the boundary on the north and to include in our colonies the valley of the Mississippi."  
—[*Bancroft's U. S. Hist.*, iii, 233.

The said five Nations being the most warlike in those parts of the world, held all their neighboring Indians in a manner of Tributary subjection, they went sometimes as far as the South Sea, the North West Passage and Florida, to war, and extended also their conquests over that part of the Country now called Canada.

\* \* \* \*

— [N. Y. Col. Doc., v, 74, 75.

TREATY OF PEACE AND FRIENDSHIP \* \* \* CONCLUDED  
AT UTRECHT THE  $\frac{31}{11}$  DAY OF  $\frac{\text{March}}{\text{April}}$  1713.  
\* \* \* \*

### XV.

The Subjects of *France* inhabiting *Canada*, and others, shall hereafter give no Hindrance or Molestation to the Five Nations or Cantons of *Indians*, subject to the Dominion of *Great Britain*, nor to the other Natives of *America*, who are Friends to the same. \* \* \*

— [Treaties in N. Y. State Library, Law Dept., Pamph. Coll., i (1667–1762), p. 74, of said Treaty.

CADWALLADER COLDEN, SURVEYOR GENERAL, TO LIEUT<sup>T</sup>  
GOUVERNEUR CLARKE, FEBY., 14<sup>TH</sup> 1737, 8.

\* \* \* \*

The Province of New York is bounded, To the southward by the Atlantick Ocean & runs from Sandy hook, including Long Island & Staten Island, up Hudson's River till the 41<sup>st</sup> degree of North Longitude be compleated, which is about 20 miles above the City of New York, East New Jersey lying for that space on the west side of Hudson's River. From the 41<sup>st</sup> degree of Latitude on Hudson's River it runs north-westerly to 41 degrees & 40 min of Latitude on the most northerly branch of Delaware River, which falls near Cashiek-tunk, an Indian Settlement on a Branch of that River call'd the Fish kill. Thence it runs up that Branch of Delaware River till the 42<sup>d</sup> degree of Latitude be compleated or to the Beginning of the 43<sup>d</sup> degree, Pensylvania stretching along

the west side of Delaware River, so far northward as to this parallel of Latitude. From the Beginning of the 43<sup>d</sup> degree New York runs westerly, on a Parallel of Latitude, along the Bounds of Pennsylvania to Lake Erie, or so far west as to comprehend the Country of the Five Nations, (the French having by the Treaty of Utricht quitted all claim to these Five Nations) Then it runs along lake Erie, & the streights between Lake Erie & Cadarackuy lake, & along Cadarackuy lake to the east end thereof—From thence it continues to extend easterly along the Bounds of Canada, to the Colony of Massachusetts's Bay. Then Southerly along the Boundaries of the Massathuset's Bay, & of the Colony of Connecticut, to the sound between Long Island & the main, & then easterly along that Sound to the Atlantick Ocean.

The Boundaries between New York Province & the Provinces of New Jersey & Pennsylvania, are so well Described, in the Grants to the Proprietors of New Jersey & Pennsylvania, that by determining the proper Parallels of Latitude on Hudson & Delaware Rivers, the Boundaries between them may at any time be fixed with sufficient certainty. But as this has not hitherto been actually done, Disputes now in several parts subsist, between the Proprietors of the lands near the line, which is supposed to run between New York & New Jersey, from Hudson's River to Delaware River. And it is probable the like Disputes will happen, between the Inhabitants of the Provinces of New York & Pennsylvania when the lands near the line Dividing them shall be settled.

The Boundaries Between New York & Connecticut are entirely settled, by agreement between the two Colonies, & by Lines run at about 21 miles from Hudson's River, and running nearly parallel to the general Course of that River.

I know no Regulations for Determining the Boundaries between New York & Canada. Its probable each will endeavor to extend themselves as far as they can. \* \* If we are to judge of the Pretentions of the French, by the maps lately published in France by Publick Authority, they not only claim this part of the Country and the Countries of the

Five Nations depending on New York; but likewise a considerable part of what is actually settled by the Inhabitants of New York. The English maps are such servile copies of the French that they mark out the Boundaries between the English & French, with the same Disadvantage to the English, that the French do.

—[*N. Y. Doc. Hist.*, iv, 114 (4°); 177 (8°).

GOVERNOR CLINTON'S REPORT ON PROVINCE OF NEW YORK.  
MAY 23, 1749.

\* \* \* \*

2nd. The province of New York is bounded by Hudson's River on the West from the mouth of the said River to the latitude of 41 Degrees on that River, and then by a line running from thence to the latitude of 40 Degrees & 40 Minutes on Delaware River, Hudson's River and the aforesaid line being the boundaries between this Province & New Jersey from 41 Degrees 40 Minutes of latitude on Delaware to the beginning of the 43 Degrees, or to 42 Degrees compleat. On the same River is the boundary between it & Pensylvania & from 42 Degrees compleat a parallel of Latitude divides it from Pensylvania as far as Pensylvania extends, or to the claims of the French of Louisiana. To the Westward from hence & to the Northward no Boundaries settled between us and the French, & most probably will be determined by occupancy or Force. To the Eastward it is bounded by the New England Govern<sup>ts</sup> of New Hampshire, Massachusetts Bay and Connecticut to the sound between the Main and Long Island, and to the Southward it is bounded by the Atlantick Ocean including Long Island. The Dividing line from Hudson's River to Delaware is Disputed by the Proprietors of the Lands on each side of it. \* \* \* \*

—[*N. Y. Col. Doc.*, vi, 508.

STATEMENTS BY A CONTEMPORARY HISTORIAN. 1751-1755.

\* \* \* \*

At present, 1751, the French with a considerable military force, make a stand on the north side of Chiconecto bay and river in about 45 d. 25 m. The parallel of 45 d. is the northern extent of king James I. grant 1606 to the North-Virginia company; this is perhaps the foundation of the French claim. If the partition line with France or Canada is to be settled at 45 d. north lat. continued, it will fall in with St. Laurence or Ontario river, a little above Montreal; including the greatest part of Champlain or Corlaers lake with the formerly Dutch country adjoining. If the south limits of Canada are thus settled, New-York west line will begin at this termination, and pass along Ontario river to Ontario lake, along Ontario lake, and its communicating run of water to lake Erie, till it meets with Pennsylvania north line.

—[*Douglass' Hist. of N. America*, ii, 226, *foot note*.

\* \* \* \*

The north boundary of the province of New-York, may be, the south line of Canada when settled; probably it will begin at a point in a meridian twenty miles east of the crook or great falls of Hudson's river, and running west will cross lake Champlain, and terminate in Cataraqui river.

Its W. line runs up Cataraqui river, and lake called generally lake Ontario, and terminates on lake Erie in north lat. 42 d. complete. From Oswego upon lake Ontario may be reckoned the width of the government of New-York, 220 miles, viz, due W. from the lake 200 miles to Albany on Hudson's river, and from Albany 20 miles due W. to the west line of Massachusetts-Bay province.

The southern line of the province of New-York is in several directions or flexures. 1. From lake Erie along the north or head line of Pennsylvania in lat. 42. to Delaware river. 2. Thence 20 miles down said river to the north divisional point of New-York and New-Jersies on said river in lat. 41 d. 40 m. 3. Thence in a streight line E. 42 d. S. to 41 d. lat. on Hudson's river. 4. Thence 12 miles down Hudson's river to

north end of the island of New-York, then down said Hudson's river on the W. side of New-York island to Sandy-point, the entrance of New-York road and harbour about 30 miles. 5. Thence along the southern shore of Long-Island, round the E. end of Long-Island, including Fisher's island and Gardner's island, which lie near the entrance of New-London harbour in Thames river of Connecticut colony; then along the northern shore of Long-Island sound to over-against the mouth of Byram river, where the western divisional line between New York and Connecticut begins.

The eastern line is from the mouth of Byram river along the Oblong as described in the section of Connecticut, vol. ii, p. 161, to the N. W. corner of Connecticut colony or S. W. corner of the province of Massachusetts-Bay, about 80 miles: thence in a parallel with Hudson's river at 20 miles distance E. from Hudson's river, along the western line of Massachusetts-Bay, about 47 miles to the N. W. corner of Massachusetts Bay, which is the S. W. corner of lands lately annexed, or crown lands put under the jurisdiction of the province of New-Hampshire pro tempore; thence in a like parallel from Hudson's river, about 40 miles upon the western line of New-Hampshire, to the latitudes of the great falls or crook of Hudson's river; thence in a due meridian line on the west line of the crown lands, at present in the jurisdiction of New-Hampshire, to the south boundary line of Canada, when by much protracted and finally perhaps disadvantageous negotiations it shall be determined. The reader may observe, that I have neither inclination nor interest to be of any side, other than solicitous for a national concern.—[*Idem*, ii, 230.

\*

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\*

\*

Besides, the main land country of New-York, there are some islands belonging to it. 1. Long-Island, called by the Indians Matowacks, and by the Dutch, Nassau, \* \* 2. Staten-Island \* \* 3. Nantucket, Martha's vineyard and Elizabeth islands were formerly under the jurisdiction of New-York; but upon the revolution they were annexed by the new charter of Massachusetts-Bay, to the jurisdiction of Massa-

chusetts-Bay. \* \* 4. Manhatans, the Indian name, New-Amsterdam the Dutch name, or New-York the English name, may be called an island, though it has communication with the mainland, by King's bridge, \* \* —[*Idem*, ii, 235.

In the peace of Utrecht was omitted to settle a line between our colonies and those of France, called commonly Canada, and Mississippi, or New-France and Louisiana, from north to south; and the line east and west between Carolina or Georgia, and the Spanish Cape Florida claims. In the proposed negotiation for a peace, it would be much for the ease and quiet of all parties to have the same settled.

The natural and most effectual boundaries of countries or territories seem to be large rivers (thus the upper Rhine divides the French acquisitions from sundry German sovereignties) and mountains impracticable (the Pyrenean mountains in general divide France from Spain, the Dafforne hills divide Sweden from Norway, the Carpach, or Carpathian mountains divide Poland from Hungary, and Transylvania). The great river of St. Laurence, the lakes Ontario and Erie, and the Apalatian mountains may answer the intended British and French boundary, without any advantage or acquisition, disadvantage or loss on either side; but merely for peace and good neighbourhood.—[*Idem*, i, 8.

\* \* \* \*

XII. NEW YORK, according to their divisional Line settled with the Proprietors of East-Jersey, Anno 1719, by Commissioners appointed by the Legislatures of both Provinces, and confirmed by the King in Council: and according to a divisional Line, settled Anno 1725, by Commissioners from the respective Legislatures of New-York and Connecticut colonies, and confirmed by the King and council: The Boundary between Massachusetts-Bay and New-York Colony we must defer, as not ascertained; notwithstanding the New-York Commissioners agreed, that the Basis of their Settlements with Connecticut should be 20 miles East from, and parallel with Hudson's River; the colony of New-York, (as I am informed) insist that Housatonic, alias Westenhoek, alias Stratford River, shall be

the Boundary with Massachusetts-Bay; the Neutrality in Queen Anne's War, between New-York and their Indians, and Canada and their Indians, was bounded Easterly by Housatonic River: Some of the New York Politicians say, that their claim extends to Connecticut River: Their Line with Pennsylvania is limited by Delaware River, and the Parallel of 43 D. N. Lat.: Their Northern Boundary with Canada wants to be fixed in some subsequent Treaty.—[*Idem*, i, 16.

\* \* \* \*

*A State of the Rights of the Colony of New-York, with respect to its Eastern Boundary on Connecticut River.*

\* \* \* \*

*Adopted by the General Assembly, March 8, 1773.*

\* \* \* \*

In the Duke of York's commissions to his several lieutenant governors, Major Edmond Andross, on the first day of July, 1664, and Col. Thomas Dongan, on the 30th day of September, 1682, among other descriptions of the boundaries of this province, are expressly comprehended all the land from the west side of Connecticut river, to the east side of Delaware bay.

King William and Queen Mary, by their commission dated the 4th day of January [1690], in the first year of their reign, appointed Henry Slaughter to be governor of the province of New-York, *and the territories depending thereon*; the boundaries whereof to Connecticut river on the east, by the above and many other grants, commissions, and public acts, were notorious.

In all subsequent acts and commissions, this colony is described by the same general words, *the province of New-York and the territories depending thereon*; and its boundaries have never been altered by the government here or at home.

Indeed the colony itself has been diminished by the Duke of York's transfer of that part of it which is now called New-Jersey, to Lord Berkley, and Sir Philip Carteret.—By our agreement with Connecticut, in 1683, under mutual acts of legislature, subject to the royal approbation,—and by his

Majesty's proclamation of the seventh day of October, 1763, establishing the limits of Quebec.

\* \* \* \*

—[*Journal of N. Y. Gen. Assembly*, pp. 90, 92.]

*The Claim of Connecticut.*

\* \* King Charles the Second, expressly granted all the country to the westward of Connecticut River, to the Duke of York; and that this grant was particularly designed to include the Dutch possessions, seems manifest from the circumstances which accompanied it. No sooner had it passed the great seal, than an armament was equipped to subdue the Dutch, and the command given to Col. Nicholls, who came over both in quality of general of the expedition, and lieutenant governor, under the Duke.

Governor Nicholls accordingly asserted his Royal highness's right to the country on the west side of Connecticut river, which immediately gave rise to a controversy between him and the corporation of Connecticut; but he thought it prudent to terminate it by an amicable negotiation. He found them already possessed of Greenwich and Stanford, two towns within 20 miles of Hudson's river; and that they had several other settlements not much more distant. His government was feeble, and chiefly consisted of the Dutch, upon whose attachment he had no reason to depend: and he foresaw the greatest difficulties if he should attempt to bring the Connecticut planters under subjection by force.—Besides, when lands were of little value, it seemed more eligible to secure the friendship than to excite the resentment and hatred of a powerful neighbor. On these principles he recommended it to the Duke to relax from his rights, and to yield to them the part they then occupied. Such being his sentiments, a fruitless attempt was made for establishing a boundary between New-York and Connecticut, in the first year of his administration. The proceedings and the mistakes so prejudicial to the Duke, into which he was drawn upon that occasion, as well as several of his letters to his Royal Highness, plainly prove that

he had a very incompetent knowledge of the geography of the country, or of the rights with which he was intrusted. However, a final compact took place between the two colonies, in the year 1683, when their respective commissioners agreed that a twenty mile line from Hudson's river, should, for the future, become the partition between the Duke's territories and Connecticut; but subject to the approbation of the King and the Duke. This agreement was confirmed by King William, on the 20th day of March, 1700.

That the line owed its foundation merely to prudential reasons, and was not grounded on the right of either colony, is incontestible. The Duke claimed to Connecticut river,—Connecticut to the south sea. From pretensions so repugnant, there was no more room to fix on a twenty mile line from Hudson's river as the boundary, than on a line at the distance of 30, or 10, or 5 miles. A disposition to leave Connecticut in the possession of her actual settlements, for the sake of peace, preponderated, as was the true motive of the agreement. This is confirmed from the cession of Greenwich and Stanford, in favor of Connecticut, though they were within the twenty miles.

— [*Idem*, 95.

#### *The Massachusetts Claim.*

The Massachusetts Claim stands by no means in so respectable a light as that of Connecticut.

\* \* The old charter was adjudged void, \* \* in the high court of chancery of England, in 1684, and they submitted to the decree, and never took any measures to obtain a reversal; \* \* It seems therefore just to conclude, that they were convinced of the defects of their former grant, and thought it more for their interest to solicit and accept of a new charter, which they accordingly procured on the 7th day of October, 1691. That province is here described as follows:—  
\* \* “from the said Atlantic, or Western sea or ocean, on the east part, towards the south sea; or Westward, *as far as* the colonies of Rhode-Island, Connecticut, and the Narraganset country.

These words (*as far as*) being in the case of the grant of the crown on the suit of the party, in legal construction, carry the Massachusetts Bay colony no further westward than till it meets the colony of Connecticut, and not to Connecticut river, and much less to the westward of it. And it is worth a remark, that Connecticut itself, at the time of the new charter, did not, in the knowledge of the crown, extend westward of that river; nor did it, in fact, till nine years afterwards, when the agreement of 1683 was rendered effectual by the royal approbation. Besides, it is contrary to reason to suppose that King William and Queen Mary could possibly have intended, by that charter, to diminish, or grant away any part of New-York, which was a royal colony, under their own immediate government, without express mention thereof in the charter, and without any notification to Colonel Slaughter, the then Governor, that the crown had granted such a part of what was before within his jurisdiction, by their Majesty's commission.

Under circumstances so favourable to the rights of this colony, we have great reason to complain of the unwarrantable encroachments under the authority of the government of the Massachusetts Bay, by which a valuable tract extending from Connecticut river, within 20 miles of Hudson's river, has been wrested from us.

Their conduct seems the more inexcusable, as they must have known that such encroachments were not only disrespectful to his Majesty's authority, and big with great mischiefs and disorders, but were highly injurious to private property, great part of these lands having anciently been granted to his Majesty's subjects under the great seal of this colony.

So long ago as the year 1685, King James the Second, by letters patent, under that seal, granted to the Rensselaer family the Manor of Rensselaerwyck, extending from Hudson's river, both on the east and west sides, 24 miles.

Westenhook was granted under the great seal of this province, on the 6th day of March, 1705, and its eastern bounds are about 30 miles from Hudson's river.

Hosick was granted on the second day of June, 1688, and extends above 30 miles from the river.

These several grants cover the country the whole breadth of the Massachusetts claim, and not only offer the highest evidence of the ancient right and jurisdiction of this colony, as far as the controversy respects the Massachusetts Bay, but authorise a remark of no small moment, to wit: That with respect to the lands included within such of those patents as are prior, in point of time, to the Massachusetts charter of 1691, the crown had clearly parted with its right under the seal of New York; and so far had no estate left to be disposed of, or upon which that charter could have operated, had its boundaries been ever so unquestionable and comprehensive.

As their example, and the agreement with Connecticut, are the only pleas which have ever been held up by the government of New Hampshire to justify their claims and encroachments, it seemed indispensibly necessary to give a general idea of both.

Nor ought it to pass unobserved, that the colony of New-York has a double title to the country on the Wood creek, and on both sides of lake Champlain; 1st by the original grant to the Duke of York, which established Connecticut river as our ancient eastern boundary, and which, without any alteration by the agreement with Connecticut, has continued such down to the present day. And 2dly, by the subjection of the five nations to the crown of England by treaties with this government.

\* \* \* \*

That the country on lake Champlain belonged originally to the five nations is proved by all the ancient maps, where we find the lake called lake Iroquois, (the French name for the five nations) or Mere des Iroquois, and the river (called by the French Sorell) which leads from the lake into the river St. Lawrence, Rivier des Iroquois, and the country about the lake Iroquisia.

\* \* \* \*

In short, the faithless encroachments of the French on lake

Champlain — their fortifying Crown Point and Ticonderoga — the many depredations they committed in concert with the savages in their alliance — the destruction of the frontier villages and settlements, and repeated massacres of the defenceless inhabitants, (which exhibited a scene of inexpressible horror and distress) have alone prevented the improvement and cultivation of this valuable part of the colony.

Having thus in general established the right and the ancient exercise of jurisdiction of this government to the lands westward of Connecticut river, the way is open to consider the principles upon which the extraordinary claim of New-Hampshire is founded.

*The Claim of New-Hampshire.*

\* \* The old colony of New-Hampshire, or Mason's grant, had for many years been under the jurisdiction of the same governor as the Massachusetts Bay, but by a distinct commission.

While the dispute subsisted respecting their common boundary, the Assembly of New-Hampshire preferred a complaint to the King and council, against their Governor, charging him with partiality towards his more profitable government of the Massachusetts Bay. The complaint appearing to be well grounded, a separate Governor for New-Hampshire was appointed.

On this occasion a commission issued to Benning Wentworth, Esq, the first Governor, dated the 3d day of July, in the 15th year of the reign of King George the second; and the old colony of New-Hampshire was greatly extended, so as to include a large district, which, till then had remained extra-provincial, and particularly the lands from the west bounds of Mason's grant, to the west side of Connecticut river, the ancient boundary of the colony of New-York.

It is thus described in the commission. "Bounded on the south side by a similar curved line, pursuing the course of Merrimack river, at three miles distance on the north side thereof; beginning at the Atlantic ocean, and extending at a

point due north of a place called Pautucket Falls, and by a straight line drawn from thence due west across the said river, till it meets with our other governments, and bounded on the south side by a line passing up through the mouth of Piscataqua harbour, and up to the middle of the river, to the river of Newichwanock, part of which is now called Salmon Falls, and through the middle of the same to the furthest head thereof, and from thence north two degrees westerly till one hundred and twenty miles be finished from the mouth of Piscataqua harbor aforesaid, or until it meets with our other governments."

Hardly can it be conceived that a boundary so plainly described could have become an occasion of controversy.

There was no room to suspect that the crown intended to abridge any of the *old* colonies in favor of the *new*; since without the most distant intimation of such a design, the limits of the adjoining governments are given as the extent of New-Hampshire.

\* \* \* \*

Governor Wentworth was pleased to conclude, that because Connecticut and the Massachusetts Bay colonies had carried their western boundary within twenty miles of Hudson's river, that therefore New-Hampshire must be entitled to the same license.

\* \* \* \*

On this foundation are the boundaries of New-York attempted to be circumscribed.

The argument drawn from our agreement with Connecticut is, it is conceived, fully refuted, by shewing, as we have already done, that the reasons and motives to which it is to be ascribed, were merely prudential, and grounded on the claim or the boundaries of neither colony, one having contended for the south sea, and the other for Connecticut river.

What then can be inferred from this treaty to the disadvantage of New-York? If from generosity or policy, or for the sake of peace, part of an estate should be ceded to a con-

tentious or importunate neighbor, is to be construed into a surrender and extinguishment of the whole?

With respect to the Massachusetts Bay, we have shewn that they have no better title to the westward of Connecticut river, than a possession acquired by force and intrusion; and which has proved the unhappy occasion of spilling the blood of the innocent, and terminated in despoiling a number of the inhabitants of this colony of their rightful property.

This dispute was agitated between our respective commissaries, at a late treaty at New-Haven, 1767, and where the Massachusetts Bay had the assistance of Governor Hutchinson, one of their ablest men, and the most conversant in subjects of this nature; and it is presumed that it must appear from a candid perusal of the proofs and arguments then offered, that the eastern boundary of New-York, upon Connecticut river, was clearly maintained.

It is our misfortune that the lands which have so long been the subject of contention with that province, are fully occupied. Hence, though firmly persuaded that when the merits of the case should be considered for a final adjudication, the right of this colony to that boundary must be evident; our commissaries from pacific motives, from a respect to the report of the lords of trade and plantations and to his Majesty's gracious recommendation of an amicable settlement, conceded so far as to offer a twenty mile line as a boundary; if his Majesty should think fit, by confirming it, to surrender his right of jurisdiction and property to so great an extent of country, in favor of a charter government.

But there is no necessity of enlarging upon this head, since it is apprehended, that independent of the considerations which it furnishes, a single reflection will of itself be sufficient to expose the weakness of every argument which can be deduced from the examples of the Massachusetts Bay and Connecticut, to countenance a similar claim on the part of New Hampshire. And to place our remark in a stronger point of light, every thing contended for—that we agreed with the one, and sate down quiet under the intrusions of the

other, of those colonies, from a conviction that both had a clear right to a twenty mile line from Hudson's river, might safely be admitted; and these concessions after all could not in the least advance the cause of New-Hampshire.

Let it only be remembered that the Connecticut charter is prior by two years to the first establishment of this colony; that the Massachusetts original charter was much more ancient; and that both claimed an extent to the south sea; while on the other hand, Mason's grant, the old colony of New-Hampshire, is limited to the precise length of sixty miles; which did not approach Connecticut river within twenty miles; and the commission to Governor Wentworth, by which it is enlarged, is so recent as the year 1742, and expressly bounds it (without specifying any dimensions) on his Majesty's other governments: Hence there arises a fatal distinction between the cases. Besides the important circumstance of boundary, priority of establishment is asserted on the side of the Massachusetts Bay and Connecticut; but with respect to New-Hampshire in its present form, it is unquestionably in favor of New-York. Upon the same principles therefore that the two former colonies claim beyond Connecticut river, ought New-Hampshire to be confined to its western banks; and thus, instead of being favorable to the pretensions of New-Hampshire, by a parity of reason, as has so frequently been urged, do those cases, rightly considered, afford a solid and decisive argument against the encroachments of that government.

\* \* \* \*

The claims of New-York and New-Hampshire, came judicially before his Majesty, by the authoritative acts of the governor and council of each, and by their mutual agreement and consent.

The question was not what bounds his Majesty would be pleased *thereafter* to establish between his two contending colonies; but what were *then* the just extent and jurisdiction of each of them respectively.

The royal adjudication is accordingly expressed in terms which cannot be misconstrued; not directing that Connecticut

river *shall become* the boundary between the two colonies; but declaring the western banks of that river *to be* the boundary.

\* \* \* \*

Soon after it was proclaimed, on the solicitation of the inhabitants, and for the better administration of justice, two new counties, Cumberland and Gloucester, were erected out of the lands which had been claimed by the government of New-Hampshire, and which had hitherto remained part of the county of Albany; and Cumberland county is now, on the petition of its inhabitants, represented in General Assembly.

\* \* \* \*

— [*Idem*, pp. 95-97, 99-101, 107.

*The Ancient French Claims on the North.*

\* \* There can be no dispute but that by the words of the Duke's grant, the province of New-York was to have an eastward extent to Connecticut river. That river takes its rise to the northward of the 45th degree of north latitude, and consequently beyond the boundary lately established between New-York and Quebec, by his Majesty's royal proclamation of the 7th day of October, 1763.

On this principle we have always claimed, under the royal grant, as the just and ancient right of this province, all the country which lies to the south of a west line drawn from the head of Connecticut river, except so far as it interferes with the colony of Connecticut, with which a settlement was made in 1683, by commissaries of both provinces, under mutual acts of legislature, and which was confirmed by King William.

But we have a further title to the country as far northward as the south side of the river St. Lawrence.

The Dutch, on their first establishment here, made a treaty of peace and alliance with the Five Nations, called by the French the Iroquois. These warlike tribes were the conquerors and masters of a great part of North America, holding all the natives in subjection, from the river St. Lawrence down to Georgia.

When the English became possessed of New-York, they also

made an alliance with the Five Nations, who afterwards, in the most express terms, subjected themselves to the crown of England, under the government of New-York; and however wild and untractable, were always treated as subjects by this government.

The country, as far northward as the river St. Lawrence, and westward without any known limits, was their undoubted property; this government has consequently considered it as part of the province of New-York. The lands on the west side of Connecticut river, by a double title—the grant to the Duke of York, which expressly includes it, and the right acquired by the subjection of the native proprietors.

The crown, by a participation in numberless acts of government, has justified our right and jurisdiction over these countries. And it is remarkable that no single commission, instruction or act, either of our own or from home, till the late proclamation, had the least tendency to alter or infringe such jurisdiction; but it solely rested on the basis we have mentioned.

\* \* \* \*

The title of this province, in right of the crown, to all the country to the southward of the river St. Lawrence, (till his Majesty's proclamation, and since that act, to the southward of the 45th degree of latitude) being thus clearly established, it cannot be wondered at that after the peace was restored, our government proceeded to the grant and settlement of the lands to the southward of this last boundary, without the least scruple. — [*Idem*, pp. 109, 112–113.]

*Order in Council fixing the Boundary between New York and New Hampshire.*

(L. S.) At the Court at S<sup>t</sup> James the 20<sup>th</sup> Day of July 1764.

PRESENT.

The Kings most Excellent Majesty.

[And nine members of Council]

Whereas there was this Day read at the Board, a Report made by the Right Honourable the Lords of the Committee

of Council for Plantation affairs dated the 17<sup>th</sup> of this Instant, upon Considering a Representation from the Lords Commissioners for Trade and Plantations, relative to the Disputes that have some years Subsisted between the Provinces of New Hampshire and New York concerning the Boundary Line between those Provinces. His Majesty taking the same into consideration was pleased with the advice of his privy Council to approve of what is therein proposed, and doth accordingly hereby Order and Declare the Western Banks of the River Connecticut, from where it enters the Province of the Massachusetts Bay, as far North as the forty fifth Degree of Northern Latitude, to be the Boundary Line between the said two Province of New Hampshire and New York. Whereof the respective Governors and Commanders in Chief of his Majesty's said Provinces of New Hampshire and New York for the time being and all others whom it may Concern are to take notice of his Majesty's Pleasure hereby signified and Govern themselves accordingly.

WM. BLAIR.

— [*N. Y. Doc. Hist.*, iv, 355 (4°); 574–5 (8°)]

*An ACT for the better ascertaining the Boundaries of the Counties of Cumberland and Gloucester.*

Pass'd the 24th March, 1772.

WHEREAS his present most gracious Majesty, by his Royal Letters Patent<sup>1</sup> under the Great Seal of this Colony, bearing Date the nineteenth Day of *March*, in the Year of our Lord, One thousand seven hundred and sixty-eight, was pleased to erect and constitute into one distinct and separate County, all that Tract or District of Land situate in this Colony, on the West Side of *Connecticut* River, beginning at a Point on the West Bank of the same River opposite to where the Line run for the Partition Line between the Colonies of the *Massachusetts-Bay* and *New-Hampshire* touches the East Side of the same River,

<sup>1</sup> We have not succeeded in finding the "Patents" referred to in this act on record in the office of the Secretary of State. This may be for the reason that Patents, like Deeds at the present time, seem to have been recorded on the application of parties interested.—[P.]

\* \* to be called, known, and distinguished by the Name of the County of *Cumberland*:

\* \* *And whereas* his said most gracious Majesty, by other Letters Patent under the Great Seal of the said Colony, bearing Date the sixteenth Day of *March*, in the Year of our Lord, One thousand seven hundred and seventy, was further pleased to erect and constitute into another distinct and separate County, all that certain Tract or District of Land situate in this Colony, on the West Side of the said *Connecticut* River, to the Northward of the said County of *Cumberland*, \* \* to be called, distinguished, and known by the Name of the County of *Gloucester*; \* \* *And whereas* the Limits of several of the Townships, upon which, by the said first recited Letters Patent, the said County of *Cumberland* is bounded, have never been fixed, surveyed, or ascertained by lawful Authority, nor the said Townships hitherto been granted under the Great Seal of this Colony; and the said County of *Gloucester* being bounded and depending upon the said County of *Cumberland*, both the said Counties are thereby at present exposed to the Danger and Inconveniences of an obscure, precarious, and uncertain Jurisdiction, \* \* For Remedy whereof,

I. BE IT ENACTED \* \* That the said County of *Cumberland* shall, forever hereafter be bounded and limited as follows. \* \* \*

II. AND BE IT FURTHER ENACTED \* \* That the said County of *Gloucester* shall, forever hereafter, be bounded and limited as follows. \* \* \*

—[ *Laws of N. Y. (Van Schaack)*, pp. 698–700.

\* \* \* \*

In answer to the proclamation<sup>1</sup> of Lieutenant-Governor Colden, issued on the 28th of December, 1763, asserting the right of New York to jurisdiction as far eastward as Connecticut

<sup>1</sup> For a copy of this Proclamation, See *N. Y. Doc. Hist.*, iv, 346, 347 (4°); 558–560 (8°).—[P.]

river, founded on the grant of Charles II. to the Duke of York, Governor Wentworth, \* \* had published a counter-proclamation,<sup>1</sup> on the 13th of March, 1764, declaring that the grant to the Duke of York was obsolete, and that the western bounds of New Hampshire were co-extensive with those of Massachusetts and Connecticut. When by a special Order in Council, under date of July 20th, 1764, the title of the Duke of York was confirmed, and Connecticut river was fixed as the dividing line between New York and New Hampshire, Wentworth, in his gubernatorial capacity, submitted to the decision. In his private conduct, however, he showed especial favor to those who still acknowledged the jurisdiction of New Hampshire over the "Grants," as the territory west of the Connecticut was called.

—[*Benj. H. Hall's Hist. of Eastern Vt.*, p. 145.

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\* \* A county by the name of Cumberland was constituted by act of the assembly in July, 1766, embracing territory nearly identical with the present counties of Windsor and Windham.<sup>2</sup> \* \* This act of the Assembly was repealed and annulled by the King, and his order was laid before the assembly by the governor the 2d of December, 1767. The county consequently became extinct. It was however revived and reestablished by ordinance of the governor and council, bearing date February 10th, 1768. By ordinance of the governor and council adopted in March, 1770, another county was constituted by the name of Gloucester, comprising all the territory north of Cumberland county and east of Green mountain, \* \* The population within the limits of the

<sup>1</sup> *Idem*, iv, 353, 354 (4°); 570-572 (8°).

<sup>2</sup> The following is the title of this act:—[P.

AN ACT for erecting certain Lands lying on the West Side of Connecticut River, within this Colony, into a separate County, to be called by the Name of, The County of Cumberland; and for enabling the Freeholders and Inhabitants thereof, to erect and build a Court House and Goal in the said County.

Pass'd the 3d July, 1766.

—[*Laws of N. Y. (Van Schaack)*, p. 482.

county was probably less than six hundred, and it is difficult to conceive what motive there could have been for its formation, other than that of gratifying the taste of persons ambitious for office and titles. \* \* \*

—[*Hiland Hall's Hist. of Vt.*, p. 155.

\* \* \* \*

The royal decree by which the division line between New Hampshire and New York was established, was regarded very differently by the different parties concerned. The settlers on the New Hampshire grants considered that it only placed them *hereafter* under the jurisdiction of New York, \* \* But that government gave the decision a very different construction. It contended that the order had a *retrospective* operation, and decided not only what should thereafter be, but what had always been, the eastern limit of New York, and consequently, that the grants made by New Hampshire were illegal and void.

With these views, the government of New York proceeded to extend its jurisdiction over the New Hampshire grants. The settlers were called upon to surrender their charters, and re-purchase their lands under grants from New York. Some of them complied with this order, but most of them peremptorily refused. \* \* Indeed, the idea of submission seems never for a moment to have been entertained by these brave and determined veterans. \* \* And so very highly did they prize their personal rights and liberties, that, rather than surrender them to the arbitrary claims of New York, they almost unanimously, resolved to meet death, if necessary, in their defence. \* \* Probably the commencement of the American war at Lexington, on the 19th of April [1775], was the only thing which prevented the parties proceeding to open hostilities.<sup>1</sup> \* \*

—[*Thompson's Hist. of Vt.*, Part ii, 19, 27, 29.

<sup>1</sup> For an extended collection of official documents relating to the "Controversy between New York and New Hampshire, respecting the Territory now the State of Vermont," see *N. Y. Doc. Hist.*, latter half of vol. iv.—[P.

ROYAL PROCLAMATION OF OCTOBER 7, 1763.

Whereas we have taken into Our Royal Consideration the extensive and valuable Acquisitions in *America* secured to our crown by the late Definitive Treaty of Peace concluded at *Paris* the Tenth Day of *February* last, \* \* We have thought fit \* \* to erect \* \* Four distinct and separate Governments, stiled and called by the Names of *Quebec*, *East Florida*, *West Florida*, and *Grenada*, and limited and bounded as follows; viz.

First. The Government of *Quebec*, bounded on the *Labrador* Coast by the River *St. John*,<sup>1</sup> and from thence by a Line drawn from the Head of that River through the Lake *St. John* to the South End of the Lake *Nipissin*; from whence the said Line crossing the River *St. Lawrence* and the Lake *Champlain* in Forty-five Degrees of North Latitude, passes along the High Lands which divide the Rivers that empty themselves into the said River *St. Lawrence*, from those which fall into the Sea; and also along the North Coast of the *Baye des Chaleurs*, and the Coast of the Gulph of *St. Lawrence* to Cape *Rosieres*, and from thence crossing the Mouth of the River *St. Lawrence* by the West End of the Island of *Anticosti*, terminates at the aforesaid River of *St. John*.

\* \* \* \*

And we do further declare it to be Our Royal Will and Pleasure \* \* to reserve under our Sovereignty, Protection, and Dominion, for the use of the said *Indians*, all the Lands and Territories not included within the Limits of our said Three New Governments,<sup>2</sup> or within the Limits of the Territory granted to the *Hudson's Bay* Company as also all the Lands and Territories, lying to the Westward of the Sources of the Rivers which fall into the Sea from the West and North West as aforesaid. \* \* \*

— [*N. Y. Col. MSS.*, xcii, 53; *printed copy*].

<sup>1</sup> Not the *St. John's* which empties into the Bay of Fundy, but one of the same name which from the north falls into the Gulf of *St. Lawrence*.

— [*Gallatin on the N. E. Boundary*, p. 9, foot note.

<sup>2</sup> *i. e.* *Quebec*, *East Florida* and *West Florida*.—[P.

The above boundaries of the province of Quebec were extended to Lake Erie and southward by an Imperial Act, passed in 1774 (14 Geo. 3, c. 83). This act, a part of which is copied below, is enumerated as constituting one of the grievances of the United Colonies, in their Non-Importation Agreement, as adopted by the Continental Congress, Oct. 20, 1774.

It was also specified in the following paragraphs from the Declaration of Independence, as one of the "acts of pretended legislation" which justified the separation from the parent country:

"He has combined, with others, to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation:

\* \* \* \*

"For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:"

\* \* \*

\* \* "Canada is made to include all the country between the lakes and the Ohio. The Quebec act is the only public act which ever gave that extension to Canada."

—[*Gallatin on N. E. Boundary of the U. S.*, p. 20.

\* \* \* \*

In this view of the history of this part of the line, it becomes evident, however, that, in divesting the provinces of New York and New Hampshire by the Quebec act, of territory, admitted to belong to them in the Proclamation of 1763, the British Parliament must have intended to make the encroachment as small as possible.

\* \* \* \*

—[*Report on Maine and New Hampshire Boundaries with British Provinces; U. S. Exec. Docs.*, 27th Cong., 3d Sess., 1842-3; No. 31, p. 35.

EDMUND BURKE'S APPOINTMENT AND EFFICIENT SERVICES, AS  
AGENT OF THE COLONY OF NEW YORK.

[IN GENERAL ASSEMBLY.]

*Die Veneris, 10 ho. A. M. the 21st Dec. 1770.*

\* \* \* \*

Mr. Speaker acquainted the house, that since the last session, he had received certain accounts, by letters from London, of the death of Robert Charles, Esq. late agent for this colony.

Whereupon the house being of opinion that it is highly necessary to have an agent to transact the affairs of this colony at the court of Great Britain.

*Resolved therefore, nemine coutradicante,* That Edmund Burke, Esq. of London, be and hereby is appointed agent for this colony at the court of Great Britain, in the room of Robert Charles, Esq. deceased,<sup>1</sup> and that for his services as such, there be allowed to him the said Edmund Burke, Esq. at the rate of five hundred pounds per annum. \* \*

—[*Journal of the N. Y. Gen. Assembly, 1770, pp. 17, 18.*]

Occasional notices appear in the Journals of the Assembly, indicating his interest in the affairs of the colony, and his fidelity in the discharge of the duties of his office.

His correspondence with the Assembly, during his agency, from the time of his appointment to the dissolution of the Assembly in April, 1775, has never been published; nor is any part of it known to exist in the United States, except the letter now first published. Mr. Sparks remarks in relation to it, (Life of Gouv. Morris, i, 51,) "Could the whole now be found and brought before the public, it would doubtless present in a full and luminous manner the views of that able statesman on all the important topics agitated at that time

<sup>1</sup> Mr. Charles had held the appointment since April 9, 1746. On the 15th of October, 1760, Benjamin Franklin and Robert Charles were appointed co-Agents of Pennsylvania. Mr. Charles also subsequently became sole Agent of that Province. See *Penn. Arch.*, iii, 759; *Penn. Col. Rec.*, iii, 257, 544; viii, 512; ix, 10.—[P.]

between Great Britain and the Colonies, and prove a treasure of rare worth in the historical materials of the country."

The following letter, it will be seen, refers to the bill which had been recently passed by the British Parliament for the Government of Canada, commonly called the Quebec Bill. The bill was brought into the House of Lords by the Earl of Dartmouth, on the 2d of May, 1774, and passed without opposition. In the House of Commons it encountered much debate, Mr. Burke opposing it, in all its stages. He was successful in procuring an amendment in relation to the boundaries, designed to protect the interests of New York. The bill, as amended, passed the Commons on the 13th June, and was returned to the House of Lords on the 18th, when the Earl of Chatham denounced it as "a most cruel, oppressive and odious measure." \* \* The bill passed by a large majority, and received the royal assent on the 22d June. \* \*

—[*N. Y. Hist. Soc. Collns*, 2d Series, ii, 217-18.

The bill above referred to is as follows:

#### THE "QUEBEC BILL."

An Act for making more effectual Provision for the Government of the Province of *Quebec* in *North America*.

WHEREAS His Majesty, by His Royal Proclamation, bearing Date the Seventh Day of *October*, in the Third Year of His Reign, thought fit to declare the Provisions which had been made in respect to certain Countries, Territories and Islands in *America*, ceded to His Majesty by the definitive Treaty of Peace, concluded at *Paris* on the Tenth Day of *February* One thousand seven hundred and sixty three: And whereas by the Arrangements made by the said Royal Proclamation, a very large Extent of Country, within which there were several Colonies and Settlements of the Subjects of *France*, who claimed to remain therein under the Faith of the said Treaty, was left, without any Provision being made for the Administration of Civil Government therein; \* \* be it enacted

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That all the Territories, Islands and Countries in *North America*,

[Original Draft of Bill. See *Commons Journals*, xxxiv, 812.]

“extending Southward to Banks of”

[See ninth line, p. 92.]

[Amendment adopted on motion of Edmund Burke, June 10, 1774.]

“belonging to the Crown of *Great Britain*, bounded on the South by a line from the Bay of *Chaleurs*, along the High Lands which divide the Rivers that empty themselves into the River *Saint Lawrence* from those which fall into the Sea, to a Point in Forty five Degrees of Northern Latitude, on the Eastern Bank of the River *Connecticut*, keeping the same Latitude directly West, through the Lake *Champlain*, until in the same Latitude, it meets the River *Saint Lawrence*; from thence up the Eastern Bank of the said River to the Lake *Ontario*; thence through the Lake *Ontario*, and the River commonly called *Niagara*; and thence along by the Eastern and South Eastern Bank of Lake *Erie*, following the said Bank, until the same shall be intersected by the Northern Boundary, granted by the Charter of the Province of *Pensylvania*, in case the same shall be so intersected; and from thence along the said Northern and Western Boundaries of the said Province, until

the said Western Boundary strike the Ohio; but in case the said Bank of the said Lake shall not be found to be so intersected, then following the said Bank until it shall arrive at that Point of the said Bank which shall be nearest to the North Western Angle of the said Province of *Pensylvania*, and thence by a right Line to the said North Western Angle of the said Province; and thence along the Western Boundary of the said Province until it strike”

the River Ohio; and along the Bank of the said River, Westward to the Banks of the Mississippi, and Northward to the Southern Boundary of the Territory granted to the Merchants Adventurers of *England* trading to *Hudson's Bay*; and also all such Territories, Islands and Countries which have, since the Tenth of *February*, One thousand seven hundred and sixty three, been made part of the Government of *Newfoundland*, be, and they are hereby, during His Majesty's Pleasure, annexed to and made Part and Parcel of the Province of *Quebec*, as created and established by the said Royal Proclamation of the Seventh of *October* One thousand seven hundred and sixty-three.

The following section was also inserted in Committee of the Whole in the House of Commons, probably through Mr. Burke's influence:

II. Provided always, That nothing herein contained relative to the Boundary of the Province of *Quebec*, shall in any wise affect the Boundaries of any other Colony.

\* \* \* \*

—[*Statutes at Large of Great Britain*, 8°, xiii, p. 789–791; *Anno 14° Georgii III*, [1774], c. 83.

LETTER FROM EDMUND BURKE, AS AGENT OF NEW YORK, TO  
THE GENERAL ASSEMBLY.

Gentlemen:

I was prevented by pressing business, and by not the best health, from sending you a letter by the July packet. When I had last the honor of writing to you on your affairs, I entertained no strong apprehensions, that the clause in the Quebec

Bill concerning the boundary of that new Province, could materially affect the rights of your colony. It was couched in general and saving terms: it reserved all rights, and confirmed all adjudications; it was in all appearance sufficiently equitable. But upon a close consideration and subsequent inquiry, I found that you might be very much affected by it. I take the liberty of stating to you the light in which it appeared to me, and the conduct which I held, in consequence of that view of your interests.

I must first observe to you, that the proceedings with regard to the town of Boston and the Province of Massachusetts Bay, had been from the beginning defended on their absolute necessity, not only for the purpose of bringing that refractory town and province into proper order, but for holding out an example of terror to the other colonies, in some of which (as it was said) a disposition to the same or similar excesses had been marked very strongly. This unhappy disposition in the colonies was by the friends of the coercive measures, attributed to the pride and presumption arising from the rapid population of these colonies, and from their lax form, and more lax exercise, of government. I found it in general discourses, and indeed in public debate, the predominant and declared opinion, that the cause of this resistance to legal power ought to be weakened, since it was impossible to be removed; that any growth of the colonies, which might make them grow out of the reach of the authority of this Kingdom, ought to be accounted rather a morbid fulness than a sound and proper habit. All increase of the colonies which tended to decrease their advantage to this country, they considered as useless, and even mischievous.

From this predominant way of thinking, the enormous extent of the colonies was censured. It was not thought wise to make new grants of land but upon the weightiest consideration, if at all. Prerogative was to be strengthened as much as possible, and it was thought expedient to find in the tractable disposition of some provinces, a check upon the turbulent manners, and a balance to the less manageable plan of government in the others.

These principles (whatever their merit may be) became very fashionable, during the agitation of the Massachusetts bill, in the House of Commons. A Peer, who I think does not always vote in the majority, made a sort of proposition for an address to the King, that no more lands should be located in America. This was the substance of the proposition, although it proceeded no further, for reasons of decorum. The ministerial side in that House fell in very directly with those sentiments, and, as I am told, plainly shewed a resolution to act in conformity with them, as far as the power of the Crown in that particular extended. It is true, that a few Lords, and Lord Rockingham in particular, objected to the idea of restraining the colonies from spreading into the back country, even if such restraint were practicable; for by stopping the extending of agriculture, they necessitated manufactures, contrary to the standing policy of colonization. The general sentiments were, however, as I have stated them.

I mention this disposition of the House of Peers, particularly, (though it prevailed almost equally elsewhere,) because the Quebec Bill originated in that house. Very many thought, on a careful perusal, that the lines of the plan of policy I have just mentioned, were very distinguishable in that bill as it came down to us. It was for that reason, I became more uneasy than at first about the lax and undeterminate form in which the boundary clause of this new colony was worded, in the original bill. The idea of which (whether seriously adopted by ministry or not) was very prevalent, that the British colonies ought to be restrained, made it necessary that this restraint should not be arbitrary. It was the main ground of the amendments which I proposed and carried, with regard to the boundary clause. However, as a mere unconnected arrangement, it was right to define with clearness, although such a plan of policy never had existed, or should pass away, as I hope and think in some degree it has, with the first heats.

The bill passed through the House of Lords, with some opposition, but no amendment; but when it came into the House of Commons, the ministers confessed, that it was hastily

drawn, and they professed great candor in admitting alterations. The part by which your province would be directly affected, was only the boundary clause.

As the boundary was, in the most material parts in the original bill, *only constructive*, and in general words of reference, "*to the boundary lines of the other provinces, as adjudged or allowed by the Crown;*" I thought it necessary to know, with regard to you, what lines had been actually drawn, and next what principles were to guide in adjudging your real boundaries in future.

With regard to the first point, I found, that a line of division between your colony and that of Quebec, had been allowed by the King in Council to be run from a point on Lake Champlain in forty-five degrees of north latitude. So far had been agreed between the Governors of the two provinces and allowed. But no line had been actually run in consequence of this agreement, except from the river Connecticut to the Lake. Even this line had not been formally allowed; and none at all had been run to the westward of Lake Champlain. So that your boundary on the north had never been perfectly delineated, though the principle upon which it should be drawn had been laid down. For a great part of the northern frontier, and for the whole of the western, until you met the line of New Jersey, you had no defined boundary at all. Your claims were indeed extensive, and I am persuaded just; but they had never been regularly allowed.

My next object of inquiry, therefore, was, upon what principles the Board of Trade would in the future discussions which must inevitably and speedily arise, determine what belonged to you, and what to Canada.

I was told, that the settled, uniform doctrine and practice of the Board of Trade, was this: that in questions of boundary, where the jurisdiction and soil in both the litigating provinces belonged to the Crown, there was no rule but the King's will, and that he might allot as he pleased, to the one or the other. They said also, that under these circumstances, even where the King had actually adjudged a territory to one province, he

might afterwards change the boundary; or if he thought fit, erect the parts into separate and new governments, at his discretion. They alleged the example of Carolina, first one province; then divided into two separate governments, and which afterwards had a third, that of Georgia, taken from the southern division of it. They urged besides, the example of the neutral and conquered islands. These, after the peace of Paris, were placed under one government. Since then, they were totally separated, and had distinct Governments and Assemblies.

Although I had the greatest reason to question the soundness of some of these principles, at least in the extent in which they were laid down, and whether the precedents alledged did fully justify them in that latitude; I certainly had no cause to doubt but that the matter would always be determined upon these maxims, at the board by which they were adopted. The more clearly their strict legality was proved, the more uneasy I became at their consequences. By this bill, a new province under an old name was in fact erected. The limits, settled by the proclamation of 1763, were cancelled. On your side, a mere *constructive* boundary was established, and the *construction*, when examined, amounted to nothing more than the King's pleasure. No part of your province, (not even the settled quarters of the country, quite to the river Hudson,) was secured from the possible operation of such a principle. Besides there was a possibility, (at least), that in the settlement of the boundary, ministers would naturally lean to extend those limits the most, where the royal prerogative was most extensive, and consequently their power the highest. I do not mean to charge them with that intention. But no laws stood in the way of such an inclination, if it ever did exist, or should happen to exist hereafter. This was not (as it might be between two ancient British colonies) a mere question of geographical distinction, or of economical distribution, where the inhabitants on the one side of the line and the other, lived under the same law and enjoyed the same privileges of Englishmen. But this was a boundary, discriminating different

principles of jurisdiction and legislation ; where, in one part, the subject lived under law, and in the other, under prerogative.

From these impressions, I proposed my objections on the second reading, reserving a more regular opposition to the Committee. In the interval, I conferred with Lord Dartmouth and Mr. Pownall and afterwards with Lord North, upon the subject. But first, I formed my plan for an amendment to the clause, as it stood in the bill, before it was committed. I could have wished for a more perfect and authorized information ; but I was obliged to act at the instant. The bill came in late in the session, and if I had let it pass for want of being instructed, the occasion could in all human probability never be recovered.

I saw you had claims founded on these grounds. The old Dutch settlement ; the placing of the Five Nations within your government ; the boundary line of Governors Moore and Carlton ; and the maintenance of the Fort of Oswego during the late war, which carried you to Lake Ontario.

These claims had no fault but the want of definition. To define, is to abridge. Something then must be given up ; I was persuaded that when one negotiates with power, it is policy to give up handsomely what cannot be retained, and to gain that strength which will always more or less attend the reasonableness of a proposition, even when it is opposed by power. I thought that well secured and tolerably extensive boundaries, were better than the amplest claims, which are neither defined nor allowed. My idea was, to get the limits of Quebec, which appeared to many as well as myself intended to straiten the British colonies, removed from construction to certainty ; and that certainty grounded on natural, indisputable and immovable barriers,—*rivers* and *lakes*, where I could have them ; *lines*, where lines could be drawn ; and where reference and description became necessary, to have them towards an old British colony, and not towards this new, and, as was thought, favorite establishment.

I assured ministry, that if they refused this reasonable offer, I must be heard by council. As they found some opposition growing within and without doors, and they were in haste to

carry through their bill brought in so late in the session, after some discussion and debate, they gave way to the amended clause, as you see it.

The work was far more troublesome than those who were not present can well believe. It cost us near two whole days in the committee. The grand difficulty arose from the very unsettled state of the boundary of Pennsylvania. We could not determine whether it advanced northward beyond Lake Erie, or ran within that Lake, or fell to the south of it; and this uncertainty made the whole matter beyond expression perplexing. Objections on the part of Quebec were raised to the last moment, and particularly to the post of Niagara, which Mr. Carlton, I am told, was very earnest to have within his government, but by the act it is excluded, and is on your side. I believe some imagined that these difficulties would make me give up the point; but it is carried, and if not a perfect arrangement, it prevents a very bad one, and may form a basis for a much better, in times more favorable to the old Colonies.

After the affair was over, it was suggested to me, that I ought to have expressly defined this line to be the limits of New York, as well as of Canada. To this I answer, that I was aware of the inconveniences which might arise from the want of this clear specification, supposing the Board of Trade to act insidiously, unfairly and captiously; which I have no reason to imagine they will do, from anything I have observed in them, or in other parts of ministry. But I confess, when I consider that Canada is put on the other side of the waters, its bounds being expressly so marked out, it appears to me absolutely impossible to say to whom the land on this side belongs, except to you, unless his Majesty should choose to erect a new government, a thing no way likely or convenient for any good purpose. The Quebec Line was constantly stated and argued in the House, as the boundary between the Provinces of Quebec and New York, in that public discourse (rather than debate) which latterly we had on the subject.—I think the line to all intents and purposes as much your bound-

ary, as if it were ever so expressly set down. Canada, at least, cannot say, "this belongs to me."

I did not press to have the line called the boundary between New York and Canada; because we should again fall into discussion about the bounds of other Colonies, as we had about those of Pennsylvania, which discussion alone had very near defeated me. It would be asked, why the line along Nova Scotia, New Hampshire, and the Northern Massachusetts Claim, was not called the boundary of these provinces, as well as of New York. It would be said, that this Act was to settle a Constitution for Quebec, and not for adjusting the limits of the Colonies, and, in the midst of this wrangle, the whole object would have infallibly escaped the House, as it grew quite tired of it. All business stood still whilst we were word-ing the clause, and on our difficulties, Lord North proposed to revert to the old words, which he said to him were the best, and that he only gave way to the sentiments of other people, who, on his concession found a difficulty in effectuating their own purpose.

I must, therefore, accept what I could get, and the true method of estimating the matter is to take together—the time; what we escaped; and what we obtained; and then to judge whether we had not had a tolerable bargain. Those who were present, congratulated me, as on a great advantage. I am sure, I acted for the best, with great rectitude of intention and a good deal of assiduity. I send you the bill with the amendments marked. As to the other parts of the bill, they are matters of more general policy. As I have already given you a great deal of trouble, I do not mean to detain you any longer upon foreign matter.

I received your obliging letter of the 31st of May, and am extremely happy in the honor of your approbation. You undoubtedly may dispose of my letters as you judge proper. I must in this respect confide entirely in your prudence, being fully satisfied, that the matter will always direct you sufficiently in what you ought to conceal, and what to divulge.

I have sent off long ago the Wawayanda and Cheesecock

Acts. I have had the honor of seeing Mr. Cruger at my house, on his return to Bristol. I endeavoured to attend to him in the manner to which his merit and connections entitle him.

I have the honour to be, with the highest  
 esteem and regard, gentlemen, your most  
 obed't and humble servant,  
 EDMUND BURKE.<sup>1</sup>

Beaconsfield, August 2, 1774.

To the Committee of Correspondence for the General Assembly at New York.

—[*N. Y. Hist. Soc. Coll'ns*, 2d Series, ii, 219–225.

GOVERNOR TRYON CONCERNING PROVINCE OF NEW YORK. 1774.

\* \* \* \*

The Province of New York is situated on the Atlantic Ocean which washes its Southern shores: The Colonies of Connecticut, Massachusetts Bay and New Hampshire, lying to the East, Quebec to the North, and New Jersey, Pennsylvania and the Indian Country to the West. \* \* \*

The Boundaries of the Province of New York are derived from Two Sources.—First, the Grants from King Charles the Second to his Brother James Duke of York dated the 12<sup>th</sup> March 1663–4 and the 29 June 1674, which were intended to convey to the Duke all the Lands claimed by the Dutch, the first occupants of this Colony.—Secondly, from the Submission and Subjection of the Five Nations of Indians to the Crown of England.

The Descriptive part of both the Duke's Grants is in the same Words and exclusive of the Territory Eastward of Connecticut River, since granted to the Massachusetts Bay by their Charter of 1691, comprehends "All that Island or Islands commonly called Mattawacks or Long Island, together with Hudson's River, and all the land from the West side of Connecticut River to the East side of Delaware Bay." Connecticut River

<sup>1</sup> See also *Cavendish's Debates on Quebec Bill*, pp. 188–194, etc.—[P.]

extends beyond, and Hudson's River takes its rise a little to the Southward of the Forty fifth Degree of Northern Latitude ; And as a Line from the Head of the River Connecticut to Delaware Bay, would exclude the greatest part of Hudson's River, which is expressly granted to the Duke of York, the Boundary most consistent with the Grants to the Duke, and the claim of New York founded thereon, is a line from the Head of the Connecticut River to the source of Hudson's River, thence to the Head of the Mohawk Branch of the Hudsons River and thence to the East side of the Delaware Bay.

That this has been the reputed Boundary under the Duke's Title has been confirmed by the Grants of this Government extending Westward nearly to the Head of the Mohawk Branch of the Hudson's River, and Southward of that Branch to within a few miles of the North Boundary of Pensylvania.

No other Construction will justify the terms of the Grants to the Duke, nor any Lines less comprehensive include the Lands patented by this Province or ceded to the Crown by the Indians, at the Treaty of Fort Stanwix in 1768.<sup>1</sup>

The Second source of the Title of this Government is grounded on the Claim of the Five Nations who are in the Treaty of Utrecht acknowledged by France to be subject to Great Britain.

Soon after the English conquered this Country from the Dutch, pursuing their System of Policy, they entered into a strict Alliance with the Natives who by Treaties with this Colony, subjected themselves to the Crown of England, and their Lands to its protection, and from this Period were always treated as Subjects, and their Country considered by this Government as part of the Province of New York, which probably gave rise to the extended jurisdiction of the Colony beyond the Duke's Grants, signified by the words "The Territories depending thereon" which are found in all the Commissions of the Crown to its Governors. Nor has the Crown except by the confirmation of the Agreement fixing the Boundary of Connecticut at about Twenty miles East of Hudson's River at

<sup>1</sup>See *N. Y. Doc. Hist.*, i, 379 (4°); 587 (8°).—[P.

any Time contracted the jurisdiction of the Colony Westward of Connecticut River & Southward of the Latitude 45 the Proclamation of His present Majesty of the 7<sup>th</sup> of October 1763, leaving the jurisdiction Southward of that Latitude as it stood before, tho' it prohibits for the present the further Extention of the Grants and Settlements into the Country thereby reserved to the Indians, to avoid giving Umbrage to that People who complained they were too much straitened in their hunting grounds. It is uncertain to this Day to what Extent the Five Nations carried their claim to the Westward & Northward but there is no doubt it went to the North beyond the 45 Degree of Latitude and Westward to Lake Huron, their Beaver Hunting Country being bounded to the West by that Lake, which Country the Five Nations by Treaty with the Governor of this Province at Albany in 1701, surrendered to the Crown to be protected and defended for them—Mitchell in his Map extends their claim much further Westwards and he is supported in this opinion by Maps and other authorities very Ancient and Respectable.

The above Treaty of 1701 is to be found among the Records of Indian Transactions<sup>1</sup> but it is recited and the Surrender made thereby confirmed in a Deed dated the 14<sup>th</sup> September 1726 by which the Seneca, Cayouga and Onondaga Nations also surrender'd their Habitations to King George the first, a Copy whereof is inserted in the article of the Appendix, Number 1.

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Without any view to the more Westerly claim of the Five Nations, supposing the Colony to comprize within its Limits or Jurisdiction the Country those Nations Surrendered to the Crown by the Description of the Beaver Hunting Country as before mentioned—The Boundaries of the Province of New York are as follows.

<sup>1</sup> The four folio volumes of these Records have disappeared from the archives of the State, and it is feared are no longer in existence. Wraxall's MS. Abridgment of the same, now in the State Library, does not contain the Treaty referred to.—[P.]

*On the South.*

The Atlantic Ocean, including Long Island, Staten Island and others of less note.

*On the West.*

The Banks of Hudson's River from Sandy Hook, on the Ocean, to the 41 Degree of Latitude—Thence the Line established between New York and New Jersey to Delaware River—Thence the River Delaware to the North East corner of Pennsylvania or the Beginning of the Latitude 43, which in Mitchel's Map is by mistake carried thro' the whole of that degree—Thence the North Boundary Line of Pennsylvania to the Northwest Corner of that Province, and continuing the same Line to a point in Lake Erie which bears due South from the East Bank of the Streights of D'Eetroit and of Lake Huron to the Forty Fifth Degree of Northern Latitude.

*On the North.*

A Line from a point on the East Bank of Lake Huron in the Latitude of Forty Five East to the River St Lawrence, or the South Boundary Line of Quebec; Thence along the South Boundary Line of that Province across the River St Lawrence to the Monument on the East Bank of Lake Champlain fixed there in the 45 Degree of Northern Latitude; Thence East along the Line already run and marked to the Monument or Station fixed on the West Bank of the River Connecticut in the same Latitude.

*On the East.*

The Western Banks of the River Connecticut from the last mentioned Station to the South-west corner of the Province of New Hampshire, in the North boundary Line of the Massachusetts bay; and from thence along that Line, (if continued) and the Western limits of the Province of Massachusetts Bay, and the Colony of Connecticut.

In the Appendix N°. 4, is a MAP of the Province of New-York according to the preceding Description of its Boundaries.<sup>1</sup> —[*N. Y. Doc. Hist.*, i, 503-6 (4°); 739-744 (8°).

<sup>1</sup>This Appendix is not preserved in the Documentary History.—[P.

## APPENDIX, No. 1.

[Deed to King George the First reciting the surrender by the Five Nations of their Beaver Hunting Country, and containing an actual surrender of the Castles or Habitations of the Sennecas, Cayougas and Onondagas.]

To all People to whom this present Instrument of Writing shall come.

*Whereas* the Sachems of the Five Nations did on the 19<sup>th</sup> day of July one Thousand Seven Hundred and One in a Conference held at Albany, Between John Nanfan Esq<sup>r</sup> late Lieutenant Governor of the Province of New York give and render up All their Land where the Beaver Hunting is, which they won with the Sword then Eighty years ago to Coorachkoo Our Great King praying that he might be their Protector and Defender there for which they desired that their Secretary might then draw an instrument for them to sign and seal that it might be carried to the King as by the Minutes thereof now in the Custody of the Secretary for Indian Affairs at Albany may more fully and at large appear—We Kanakazighton and Shanintzarouwee Sinneke Sachims, Ottsoghkoree, DeKanisoree and Aenjeweerratt Cayouge Sachims, Rachjakadorodon and Sadegeenaghtie, Confirm, Submit and Grant And by these presents do (for Ourselves, our Heirs and Successors and in behalf of the Whole Nations of Sinnekes, Cayouges and Onondages,) ratify, Confirm and Submit and Grant unto our most Sovereign Lord George by the Grace of God, King of Great Britain France & Ireland, Defender of the Faith, &c. His Heirs and Successors for ever All the said Land & Beaver Hunting to be protected & Defended by his said Majesty, His Heirs and Successors to and for the Use of Us, our Heirs and Successors, And the said three Nations; And we do also of our own accord free & voluntary Will give, render, submit and grant, and by these presents do for Ourselves our Heirs and Successors give, render, submit and Grant unto our said Sovereign Lord King George, his Heirs & Successors for ever, All that Land lying & being sixty Miles Distance taken Directly from the Water into the Country, Beginning from a creek called Canahogue on the Lake Oswego, all along the said Lake and all along the

Narrow passage from the said Lake to the Falls of Oniagara called Canaguaraghe and all along the River of Oniagara and all along the Lake Catarackqui to the Creek called Sodoms belonging to the Senekes & from Sodoms to the Hill called Tegerhunkserode belonging to the Cayouges and from Tegerhunkserode to the Creek called Caynunhage belonging to the Onnondages All the said Land being of the Breadth of sixty English miles as aforesaid. All the way from the aforesaid Lakes or Rivers directly into the Country and thereby including all the Castles of the aforesaid Three Nations with all the Rivers, Creeks & Lakes within the said Limits to be protected and defended by his said Majesty his Heirs and Successors for ever to and for Our Use our Heirs and Successors & the said Three Nations.

In Testimony Whereof We have hereunto set our Marks and affixed our Seals in the City of Albany this fourteenth Day of September in the Thirteenth year of His Majesty's Reign Anno Domini 1726.

— [*N. Y. Doc. Hist.*, i, 525 (4°); 775 (8°).

#### INDIAN RECORDS.

The "Minutes in the Custody of the Secretary for Indian Affairs," referred to in the foregoing Appendix, include the following entries ·

ALBANY 14 *July* 1701.

The Lieu<sup>t</sup> Gov<sup>r</sup> John Nanfan Esq<sup>r</sup> met the 5 nations & made a Speech to them w<sup>ch</sup> is not recorded.

They Answer —

They condole with him on the Death of the late Gov<sup>r</sup> the Earl of Bellmont & congratulate him on his accession to the Gov<sup>t</sup>.

They say we shall all have our Eyes fixed upon you because we daily meet with great difficulties from the French of Canada. We doubt not but you will be careful to keep the Covenant Chain firm as the late Gov<sup>r</sup> has done whose soul is now in heaven.

We do with all sincerity acknowledge the great kindness that his Majesty the Great King has for the 5 nations. We will endeavour to behave our selves as such that may merit his Majestys Esteem by our faithfulness to the English Crown. We cannot sufficiently express our Gratitude to so Gracious a Prince, and we shall never fail to obey your Commands who are his Lieutenant.

\*                      \*                      \*                      \*

ALBANY 19 *July* 1701

The Lieut Gov<sup>r</sup> had a further Conference with the 5 nats.  
His Speech is not recorded.

They say. We complain of the French of Canada inroaching upon our Territories & that they go & build Forts upon our Land without our Consent. We pray the Great King of England may be acquainted with it & that he will be pleased to take care to prevent it.

We do renew the Covenant Chain & make it bright & clear & we fasten it to the Hills w<sup>ch</sup> lye round this City, for Trees may rot & decay, but the Hills will remain immoveable.

Let the Covenant Chain reach from New York to the Sennekas Country that all the People that are under it may be secure from all attempts of an Enemy.

We would remove the End of it to Troich Sachronde<sup>1</sup> or Wawyacktenok if it were in our Power, but the French would mock at it for they have taken it in Possession already against our wills sending People thither to make Forts, but hope they will be removed speedily away.

If the French make any attempts or come into our Country to delude us, we desire you to send men of wisdom & understanding to Countermine them, for they are too subtle & Cuning for us & if you can convince them that will be a means to stop their designs & to prevent their ill Intentions.

We desire that our Secr<sup>y</sup> Rob<sup>t</sup> Livingston may be sent to the Great King of England to acquaint him that the French of Canada inroach upon our Territories by building a Fort at

<sup>1</sup> The Straits between Lake Huron & Lake Erie.

Tejughsakroudie<sup>1</sup> and to pray that our Great King may use all means to prevent it. We shall be tied up; we shall not be able to live, they will come nearer to us every day with their Forts. We do give & render up all that Land where the Bever hunting is w<sup>ch</sup> we won with the Sword 80 years ago & pray that He (the King) may be our Protector and Defender there; and desire that our Secretary may write an Instrument w<sup>ch</sup> we will Sign & Seal that it may be carried by him to the King.<sup>2</sup>

\* \* \* \*

The Gov<sup>r</sup> of Canada hath sent a Party of men who are gone behind our Country privately to build a Fort at Tejughsagh-rondie. You desire to know what we have done in that Case. The People that have been at Onondago can tell you. We thought this Government would have done something in the matter, & to have found you buisy in your Books & Maps concerning it, that the Line should be run between the Two Governments. We can do nothing in the Case, you know we have not Power to resist such a Christian Enemy, therefore we must depend upon you Bro<sup>r</sup> to take this Case in hand & acquaint the Great King with it for what will become of us at this rate. Where shall we hunt Bever if the French of Canada take Possession of our Bever Country.

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— [ *Wraxall's Indian Records, MS., in N. Y. State Library, pp. 35-38.*

*Lieut. Governor John Nanfan to the General Assembly,  
August 19, 1701.*

\* \* \* \*

I cannot but take it as a presage of the future success of my Endeavours for the good of this province, that at this time, when the danger of warr makes it requisite to be well assured of the fidelity of our five nations of Indians, they have not

<sup>1</sup> The 5 Nation name for Lake Erie & is I suppose Fort [name illegible] w<sup>ch</sup> the French had at the West end of Lake Erie.

. <sup>2</sup> In the contents of this meeting is minuted the Deed of Surrender of this Land to the King dated the 19 July 1701, but no such Deed appears recorded.

only repeated their assurances in such a manner as has been sacred among 'em but Conveyed to the Crown of England a vast Tract of Land of great consequence for preventing their necessity of Submitting to the neighbouring power.

\*                      \*                      \*

—[*Journal of N. Y. Legis. Council*, i, 157.]

ALBANY, the 1 July 1751

\*                      \*                      \*

Gov<sup>r</sup> Clinton takes notice to them [the Six Nations] of a Fort the French are Building at Oniagara<sup>1</sup> he represents to them the Fatal Consequences of their suffering the French to environ them with their Forts & directs them to prohibit their going on with any such Buildings, he also mentions the French going to build a Fort near the Ohio.

The 6 Nations in their Answer say they have already dispatched an Embassy to Canada about these Buildings of the French & shall take further measures about them & they add further in their said Speech. — “We desire your Excell<sup>y</sup> will carry a Message from us & inform the King our Father that the French are endeavouring to take away our Lands & Build Forts on them & beg that the King will inform the King of France of the Proceedings of his Subjects that he may put a stop to it for that the Land belongs to the King our Father & the Gov<sup>r</sup> of this Province.”<sup>2</sup>

—[*Wrazall's Indian Records*, pp. 223, 224.]

<sup>1</sup> Between Lake Erie & Lake Ontario to the Southward of Niagara.

<sup>2</sup> This claim of the Indians of the 6 Nations & the consequent right of the Crown of Great Britain by their having repeatedly put themselves & all their Lands both occupied & conquered under the Dominion & protection of the Crown of Great Britain, is so well supported by incontestible Proofs in the Indian Records from their earliest Period to this Day & w<sup>ch</sup> I have taken care to mention frequently in these abstracts. Hence as I conclude all the French Forts from Crown Point to west end of Lake Erie along the South side of the River St. Laurens & of the Lakes Ontario & Erie, are unjustifiable Encroachments & contrary to the Law of Nature & of Nations.

THE IROQUOIS, OR FIVE NATIONS OF INDIANS, AND THEIR  
TERRITORIAL EXTENT.

\* \* \* \*

The word *Iroquois*, as we are told by Charlevoix, who is a competent and reliable witness on this point, is founded on an exclamation, or response, made by the sachems and warriors, on the delivery to them of an address. \* \* It is a term which has been long and extensively used, both for the language and the history of this people; and is preferable, on enlarged considerations, to any other. The term Five Nations, used by Colden, and in popular use during the earlier period of the colony, ceased to be appropriate after the Tuscarora revolt in North Carolina, and the reunion of this tribe with the parent stock, subsequent to 1712. From that period they were called the Six Nations, and continued to acquire increased reputation as a confederacy, under this name, until the termination of the American Revolution in 1783, and the flight of the Mohawks and Cayugas to Canada, when this partial separation and breaking up of the confederacy, rendered it no longer applicable.

\* \* \* \*

— [*Schoolcraft's Notes on the Iroquois*, pp. 45, 46.

\* \* \* \*

At the era of Dutch discovery (1609), the Iroquois were found in the possession of the same territories between the Hudson and the Genesee rivers, upon which they afterwards continued to reside until near the close of the eighteenth century. At that time, the Five Nations, into which they had become subdivided, were united in a League; but its formation was subsequent to their establishment in the territories out of which the State of New York has since been erected.

\* \* \* \*

Tradition \* \* informs us that prior to their occupation of New York, they resided in the vicinity of Montreal, upon the northern bank of the St. Lawrence, where they lived in subjection to the Adirondacks, a branch of the Algonquin race, then in possession of the whole country north of that river. At that time, the Iroquois were but one nation, and few in

number. \* \* They made an attempt to secure the independent possession of the country they occupied ; but having been, in the struggle, overpowered and vanquished by the Adirondacks, they were compelled to retire from the country, to escape extermination. \* \* Their first settlements, they believe, were located upon the Seneca river, where for a time they dwelt together. At a subsequent day they divided into bands, and spread abroad to found new villages. \* \* These several bands were, at first, obliged to contend with the various tribes whom they found in possession of the country. After their expulsion, the interests and pursuits of the five nations not only became distinct, but the severance was followed by a gradual alienation, finally resulting in a state of open warfare, which continued for an unknown period.

The project of a League originated with the Onondagas, among whom it was first suggested, as a means to enable them more effectually to resist the pressure of contiguous nations. \* \* In relation to the period of its origin, there are some circumstances connected with their first intercourse with Europeans, tending to show that it had subsisted about a century at the era of Dutch discovery ; on the other hand, their principal traditions indicate a period far more remote.

After the formation of the League, the Iroquois rose rapidly in power and influence. \* \* One of the first results of their federal system was a universal spirit of aggression ; a thirst for military glory and political aggrandizement. \* \* With the first consciousness of rising power, they turned their long cherished resentment upon the Adirondacks, who had oppressed them in their infancy as a nation, and had expelled them from their country, in the first struggle for the ascendancy. This war raged for a long time with unceasing animosity, and was continued nearly fifty years after the commencement of French occupation, until the descendants of the ancient Adirondacks were almost totally extirpated. At the era of French discovery (1535), the latter nation appear to have been dispossessed of their original country, and driven down the St. Lawrence as far as Quebec. \* \* After the permanent

occupation of Canada by the French, in 1607, the Adirondacks became their allies; but the protection of the former was insufficient to shield them against the hostile visitations of their hereditary enemy.

A new era commenced with the Iroquois upon the establishment of the Dutch trading-post at Orange, now Albany, in 1615. \* \* Friendly relations were established between the Iroquois and the Dutch, which continued without interruption until the latter surrendered their possessions upon the Hudson to the English, in 1664. \* \* The English, in turn, cultivated the same relations of friendship which had been commenced with them by the Dutch. \* \* It was otherwise, however, with the French. From the first to the last they encountered the uncompromising and inveterate enmity of the League. \* \* The French having allied themselves with the Adirondacks and Hurons, gave them arms and assistance, and incited them against the Iroquois, a spirit of hatred was aroused against them, which never ceased to burn until the final subjugation of Canada by the English, in 1760. \* \* To this Indian League, France must chiefly ascribe the overthrow of her magnificent schemes of colonization in the northern part of America.

With the possession of firearms commenced not only the rapid elevation, but absolute supremacy of the Iroquois over other Indian nations. In 1643, they expelled the Neuter Nation from the Niagara peninsula, and established a permanent settlement at the mouth of that river. They nearly exterminated, in 1653, the Eries, who occupied the south side of Lake Erie and from thence east to the Genesee, and thus possessed themselves of the whole area of western New York, and the northern part of Ohio. About the year 1670, after they had finally completed the dispersion and subjugation of the Adirondacks and Hurons, they acquired possession of the whole country between lakes Huron, Erie and Ontario, and of the north bank of the St. Lawrence, to the mouth of the Ottawa river, near Montreal. On the north shore of lake

Ontario they founded several villages, in the nature of colonial towns, to maintain possession of the conquered territory.

\*                      \*                      \*                      \*

—[*Morgan's League of the Iroquois*, pp. 4-12. See also *Schoolcraft's Notes*, pp. iii-v, and 44, 45.

—————

\*   \*   The middle, western, and northern portions of our State, including that part of Vermont, which was a part of New York until the Revolution, was the proper residence of the Iroquois. But less than a century ago, their territorial dominion (taking in that of their confederate, subject, or tributary allies) embraced an empire, which might be compared to that of ancient Rome in the height of her imperial prosperity. Stretching from the junction of the Outawais and St. Lawrence, their line extended through Canada, westward to the north of Lake Huron, southward (including Michigan) to the junction of the Illinois and Mississippi, (and, in fact, they claimed, by conquest, nearly to the mouths of this river) thence across Kentucky, Ohio, Pennsylvania, to the sources of the Susquehanna and the Hudson.                      \*                      \*                      \*

—[*Yates and Moulton's History of New York*, p. 95.

#### VIEWS OF RECENT HISTORIANS.

\*                      \*                      \*                      \*

1642. The war parties of the Five Nations, hereditary enemies of the Hurons, and the deadly opponents of the French, controlled the passes between Upper Canada and Quebec. \*

1698. The boundary between New France and New York was still more difficult to be adjusted. Delius, the envoy from New York, included in that province all the country of the Five Nations, and declared openly, at Montreal, that the countries at the west, even Mackinaw, belonged to England. This extravagant ambition was treated with derision: the French, moreover, themselves laid claim to the lands of the Five Nations.                      \*                      \*                      \*

1701. As the claims of discovery and early occupation were

clearly with the French, the English revived and exaggerated the rights of the Five Nations. \* \* Their hunting-grounds were interpreted to extend to Lake Nipissing; and, on old English Maps, the vast region is included within the dominions of England, by virtue of an act of cession from the Iroquois.

But as a treaty, of which no record existed, could hardly be cited by English lawyers as a surrender of lands, it was the object of Governor Burnet to obtain a confirmation of this grant. Accordingly, in the treaty concluded at Albany, in September, 1726, the cession of the Iroquois country west of Lake Erie, and north of Erie and Ontario, was confirmed; and, in addition, a strip of sixty miles in width, extending from Oswego to Cuyahoga River at Cleveland, was "submitted and granted," by sachems of the three western tribes, to "their Sovereign lord, King George," "to be protected and defended by his said majesty, for the use of the said three nations." The Chiefs could give no new validity to the alledged treaty of 1701; they had no authority to make a cession of land; nor were they conscious of attempting it. If France had renounced its rights to Western New York, it had done so only by the treaty of Utrecht [1713]. \* \* \*  
 — [*Bancroft's U. S. History*, iii, 132, 192, 340, 341. See also 193, 194, 233, 234, 244, 339.

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During the eventful transfers of the territorial sovereignty of this State within the last two centuries, from the Iroquois and Lenape to the Dutch, from the Dutch to the English, and prior to their recognition of our independence, it will be seen that Spain and France, as well as England and Holland alternately claimed this territory. \* \* \*

By the coasts and harbours of New York, we shall understand its frontiers and sea-board boundaries as they were defined or controverted during our proprietary and colonial governments, or as they are now settled. Consequently, they will partly comprise at the north, Lake Champlain, the rivers Sorelle and St. Lawrence; eastwardly, parts of Vermont,

Massachusetts, and Connecticut, as far as the river of that name, and as far as Nantucket, Martha's Vineyard, Elizabeth's Island, No Man's Land, Pemaquid, and the territories and islands adjacent, belonging to the Duke of York agreeably to the English eastern colonial boundary: or from Cape May to Cape Henlopen, according to the Dutch claim, or from Connecticut river to the Delaware, according to their possession: westerly, including New Jersey and part of Pennsylvania, until its western confines reached Lake Erie, Niagara, and Lake Ontario.                    \*                    \*                    \*                    \*

—[*Yates and Moulton's Hist. of N. Y.*, pp. 109, 110.

[IN N. Y. COMMITTEE OF SAFETY.]

DIE SABATI, 10 HO. A. M., *March 1, 1777.*

\*                    \*                    \*                    \*

A letter from Brigr. Genl. Bailey, dated Newbury [Vt.], the 19th February last, was read.

*Resolved*, That a committee be appointed to state the boundaries of New-York, and the titles and principles upon which they are founded. That they have power to search the State records, and to procure other necessary materials; and to employ one or more surveyors, or geographers, to assist them in preparing a plan or chart of this State, and that they have power to send for persons and papers; and that Mr. Duane, Mr. R. Yates, Mr. R. R. Livingston, Mr. Hobart and Mr. Taylor, be a committee for that purpose.

*Ordered*, That the letter of Brigadier-General Bailey, be committed to the above named committee.<sup>1</sup>

\*                    \*                    \*                    \*

—[*Journal of N. Y. Provincial Congress and of Committee of Safety*, p. 819.

[IN CONGRESS], March 19, 1779.

Congress took into consideration the report of the committee of the whole, and agreed the following ultmata:

1. That the thirteen United States are bounded, north, by a

<sup>1</sup> We do not find a copy of Gen. Bailey's letter, nor does the above committee seem to have reported.—[P.

line to be drawn from the north-west angle of Nova Scotia, along the high lands which divide those rivers which empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean to the north-westernmost head of Connecticut river; thence down along the middle of that river to the forty-fifth degree of north latitude; thence due west in the latitude forty-five degrees north from the equator, to the north-westernmost side of the river St. Lawrence, or Cadaraqui; thence strait to the south end of lake Nepissing; and thence strait to the source of the river Mississippi: \* \*  
—[*Secret Journals of Congress—Foreign Affairs*, ii, 138.

August 14, 1779.

Congress proceeded in the consideration of the instructions to the minister to be appointed for negotiating a peace; and unanimously agreed to the following draft of instructions to the commissioner to be appointed to negotiate a treaty of peace with Great Britain.

Sir,

You will herewith receive a commission, giving you full power to negotiate a treaty of peace with Great Britain, in doing which you will conform to the following information and instructions.

\* \* \* \*

3. The boundaries of these States are as follows, viz.  
(as recited above, *verbatim*).

\* \* \* \*

—[*Idem*, ii, 224, 225.

January 26, 1780.

Resolved That a committee of seven be appointed to receive the communications of the honourable the minister of France.

\* \* \* \*

—[*Idem*, ii, 299.

January 31, 1780.

Congress taking into consideration the foregoing communications,

Resolved, That the following answer be given to the communications of the honourable the minister plenipotentiary of France:                   \*                   \*                   \*                   \*

The said committee report, That in a second conference with the honourable the minister plenipotentiary of France, he communicated to them—

That his most christian majesty,<sup>1</sup> \* \* has signified to his minister plenipotentiary to the United States, that he wishes most earnestly for such an alliance; and in order to make the way thereto more easy, has commanded him to communicate to the Congress certain articles which his catholic majesty deems of great importance to the interests of his crown, and on which it is highly necessary that the United States explain themselves with precision, and with such moderation as may consist with their essential rights.

That the articles are—

1. A precise and invariable western boundary to the United States.
2. The exclusive navigation of the river Mississippi.
3. The possession of the Floridas; and
4. The lands on the left or eastern side of the river Mississippi.

That in the first article, it is the idea of the cabinet of Madrid that the United States extend to the westward no farther than settlements were permitted by the royal proclamation bearing date the       day of       1763.

On the second, that the United States do not consider themselves as having any right to navigate the river Mississippi, no territory belonging to them being situated thereon.

On the third, that it is probable the king of Spain will conquer the Floridas during the course of the present war; and in such event, every cause of dispute relative thereto between Spain and these United States ought to be removed.

On the fourth, that the lands lying on the east side of the Mississippi, whereon the settlements were prohibited by the

<sup>1</sup>The King of Spain.—[P.]

aforesaid proclamation, are possessions of the crown of Great Britain, and proper objects against which the arms of Spain may be employed, for the purpose of making a permanent conquest for the Spanish crown. \* \* \*

—[*Idem*, ii, 307, 309.

JOHN JAY TO THE PRESIDENT OF CONGRESS.

Madrid, May 26, 1780

\* \* \* \*

If Congress remains firm, as I have no reason to doubt, respecting the Mississippi, I think Spain will finally be content with equitable regulations, \* \* \*

—[*Sparks' Diplomatic Correspondence*, vii, 262.

[IN CONGRESS], October 4, 1780.

\* \* \* Congress unanimously agreed to the following instructions to the honourable John Jay, minister plenipotentiary of the United States of America at the court of Madrid.

That the said minister adhere to his former instructions respecting the right of the United States of America to the free navigation of the river Mississippi into and from the sea ;

\* \* \* \*

That with respect to the boundary alluded to in his letter of the 26th of May last,<sup>1</sup> the said minister be and hereby is instructed to adhere strictly to the boundaries of the United States as already fixed by Congress. \* \* \*

—[*Secret Journals of Congress—Foreign Affairs*, ii, 323, 324.

INSTRUCTIONS OF CONGRESS TO MINISTERS PLENIPOTENTIARY  
ADAMS, FRANKLIN, JAY, LAURENS AND JEFFERSON.

June 15, 1781.

\* \* \* \*

You are to accede to no treaty of peace which shall not be such as may, 1st, effectually secure the independence and sovereignty of the thirteen states, \* \* \*

<sup>1</sup> See *Sparks' Dip. Corres.*, vii, 220-282.—[P.

As to disputed boundaries and other particulars, we refer you to the instructions formerly given to Mr. Adams, dated 14th August, 1779, and 18th October, 1780, from which you will easily perceive the desires and expectations of Congress; but we think it unsafe, at this distance, to tie you up by absolute and peremptory directions upon any other subject than the two essential articles above mentioned. \* \*

—[*Secret Journals of Congress—Foreign Affairs*, ii, 445.

ARTICLES AGREED ON BETWEEN THE AMERICAN AND BRITISH COMMISSIONERS.

[Paris], October 8th, 1782.

Articles agreed upon by and between Richard Oswald, the Commissioner of his Brittanic Majesty, \* \* and Benjamin Franklin and John Jay, \* \* for treating of peace.

\* \* \* \*

The said States are bounded north, by a line to be drawn from the northwest angle of Nova Scotia, along the high lands, which divide those rivers which empty themselves into the river St Lawrence, from those which fall into the Atlantic ocean, to the northernmost head of Connecticut river; thence down along the middle of that river to the fortyfifth degree of north latitude, and thence due west in the latitude forty-five degrees north from the equator, to the northwesternmost side of the river St Lawrence, or Cadaraqui; thence straight to the south end of the lake Nipissing; and thence straight to the source of the river Mississippi, \* \* \*

—[*Sparks' Dip. Corres.*, x, 88, 89.

\* \* To be submitted to His Majesty's consideration. \* \*

—[*Idem*, x, 92.

ARTICLES AGREED TO AFTER THE RETURN OF THE FIRST SET, WHICH HAD BEEN SENT TO ENGLAND, OCTOBER 8, 1782.

November 5th, 1782.

Articles agreed to by and between Richard Oswald, \* \* and John Adams, Benjamin Franklin, and John

Jay, \* \* for treating of peace \* \* \*  
 From the northwest angle of Nova Scotia, \* \* and  
 along the said highlands to the northwesternmost head of  
 Connecticut river, thence down along the middle of that river  
 to the 45th degree of north latitude, following the said latitude  
 until it strikes the river Mississippi; \* \* \*  
 —[*Idem*, x, 94, 95.]

THIRD SET OF ARTICLES:—FRESH PROPOSALS OF THE BRITISH  
 MINISTRY.

November 25th, 1782.

\* \* to the northwesternmost head of Con-  
 necticut river, thence down along the middle of that river to  
 the 45th degree of north latitude; from thence by a line due  
 west on said latitude until it strikes the river Iroquois or Cat-  
 aroquy; thence along the middle of said river into Lake  
 Ontario, through the middle of said Lake until it strikes the  
 communication by water between that Lake and Lake Erie;  
 thence along the middle of said communication, into Lake  
 Erie, through the middle of said Lake, until it arrives at the  
 water communication between that Lake and Lake Huron;  
 thence through the middle of the said Lake, to the water com-  
 munication between that Lake and Lake Superior;

\* \* \* \*  
 —[*Idem*, x, 101–3.]

Adams, Franklin, and Jay remained in Paris after the sig-  
 nature of the preliminary articles, as Commissioners for mak-  
 ing a Definitive Treaty. The English government sent David  
 Hartley to Paris for the same purpose. Many propositions  
 passed between the Commissioners of the respective countries,  
 but after ten months' fruitless discussion, the Definitive Treaty  
 was signed in the exact words of the Provisional Articles, on  
 the 3d of September, 1783.

—[*Idem*, x, 70.]

COMMISSIONERS ADAMS, FRANKLIN, JAY AND LAURENS, TO  
ROBERT R. LIVINGSTON.

Paris December 14 1782.

\*                      \*                      \*                      \*

*Remarks on Article 2d, Relative to Boundaries.*

The Court of Great Britain insisted on retaining all the territories comprehended within the Province of Quebec, by the Act of Parliament respecting it. \*      \*      It would be endless to enumerate all the discussions and arguments on the subject.

We knew this Court and Spain to be against our claims to the western country, and having no reason to think that lines more favorable could ever have been obtained, we finally agreed to those described in this Article; indeed they appear to leave us little to complain of, and not much to desire. Congress will observe, that although our northern line is in a certain part below the latitude of fortyfive, yet in others it extends above it, divides the Lake Superior, and gives us access to its western and southern waters, from which a line in that latitude would have excluded us.

\*                      \*                      \*                      \*

—[*Idem*, x, 117.

ROBERT R. LIVINGSTON TO THE COMMISSIONERS.

Philadelphia, March 25th, 1783.

\*      \*      The boundaries are as extensive as we have a right  
to expect.                      \*                      \*                      \*

—[*Idem*, x, 129.

The American and British Commissioners met at Paris and commenced their negotiations in September, 1782. Mr. Adams and Mr. Laurens were not yet present, when, on the 8th October, 1782, Dr. Franklin and Mr. Jay entered into a provisional arrangement with Mr. Oswald, *to be submitted however to his Britannic Majesty*. The boundaries defined by that agreement are in the following words,      \*      \*      viz:

\*                      \*                      \*                      \*

thence down along the middle of that river

(Connecticut) to the forty-fifth degree of north latitude, and thence due west in the latitude forty-five degrees north from the Equator, to the north-westernmost side of the River St. Lawrence, or Cataraguay; thence straight to the Lake Nipissing, and thence straight to the source of the River Mississippi; \*

\* \* \* \*  
—[*Gallatin's Memoir of N. E. Boundary of U. S.*, p. 21.

\* \* \* \*  
It is well known that this boundary was rejected by Great Britain. \* \* \* \*

The proposal, if acceded to, would have given nearly the whole of Upper Canada to the United States. It was made in compliance with the resolutions of Congress of 1779,<sup>1</sup> repealed indeed by those of 1781,<sup>2</sup> which last, however, still referred to those of 1779 as expressive of the wishes of Congress.

\* \* \* \*  
—[*Idem*, p. 23.

*Award of the King of the Netherlands.*

January 10, 1831.

\* \* \* \*  
There results from the line drawn under the Treaty of 1783 through the great lakes west of the river St. Lawrence, a departure from the ancient provincial Charters with regard to those boundaries.

\* \* \* \*  
—[*Bouchette's British Dominions in N. A.*, i, 490.

A SKETCH OF THE STATE OF OPINIONS IN THE OLD CONGRESS,  
DRAWN UP BY MR. MADISON.

The two great objects, which predominate in the politics of Congress at this juncture<sup>3</sup> are *Vermont* and the *Western Territory*.

\* \* \* \*  
<sup>1</sup> *Secret Journals*, March 19, 1779, Aug. 14, 1779.—[P.  
<sup>2</sup> *Secret Journals*, June 15, 1781.—[P.  
<sup>3</sup> May 1, 1782.—[P.

II. The territorial claims, particularly those of Virginia, are opposed by Rhode Island, New Jersey, Pennsylvania, Delaware, and Maryland. \* \* \*

The western claims, or rather a final settlement of them, are also thwarted by Massachusetts and Connecticut. \*

\* The general policy and interests of these two States are opposed to the admission of Vermont into the Union; and, if the case of the Western territory were once removed, they would instantly divide from the Eastern States in the case of Vermont. Of this Massachusetts and Connecticut are not insensible, and therefore find their advantage in keeping the territorial controversy pending. Connecticut may likewise conceive some analogy between her claim to the Western country and that of Virginia. \* \* \*

The western claims [of Massachusetts and Connecticut] are opposed by Virginia, North Carolina, South Carolina, Georgia, and New York, all of these States being interested therein. South Carolina is the least so. The claim of New York is very extensive, but her title very flimsy. She urges it more with the hope of obtaining some advantage or credit by its cession, than of ever maintaining it. \* \* \*

—[*Sparks' Life and Writings of Washington*, viii, 547.]

[IN CONGRESS] WEDNESDAY, *October 15, 1777.*

Congress resumed the consideration of the article of confederation under debate this morning; whereupon it was moved,

That, in order to render the present union and confederacy firm and perpetual, it is essential that the limits of each respective territorial jurisdiction should be ascertained by the articles of confederation; and, therefore, it is recommended to the legislatures of every state to lay before Congress a description of the territorial lands of each of their respective states, and a summary of the grants, treaties, and proofs upon which they are claimed or established.

New York, Pennsylvania and Maryland voted *ay*; the other states, *no*. “So it passed in the negative.”

It was then moved "that the United States in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the western boundary of such States as claim to the South-Sea" [Pacific Ocean], "and to dispose of all land beyond the boundary so ascertained, for the benefit of the United States; question put, passed in the negative."

It was then moved "that the United States, in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the western boundary of such states as claim to the Mississippi or South-Sea, and lay out the land beyond the boundary, so ascertained, into separate and independent states, from time to time, as the numbers and circumstances of the people thereof may require."

Only Maryland voted *ay*. "So it passed in the negative."

The several States in Congress assembled having thus denied the original jurisdiction of Congress in the case of State boundaries and their territorial extent, finally conceded an appellate jurisdiction, as appears from the following extract :

MONDAY, *October 27, 1777.*

\* \* \* \*

Congress resumed the consideration of the article of confederation, respecting the powers of Congress; Whereupon, it was moved to strike out these words, "deciding all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundaries, jurisdictions or any other cause whatever," and instead thereof to insert "the United States in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise, between two or more States concerning boundary, jurisdiction, or any other cause whatever, which authority shall always be exercised in the manner following;" \* \* \*

The resolution further proposes a course of procedure in case either party fails to attend at the day appointed and con-

cludes with two provisos, one of which is "that no state shall be deprived of territory for the benefit of the United States."

On the question of adopting this resolution, New Hampshire voted "*no*," South Carolina, "*div.*" (divided), and the other States, "*ay.*" "So it was resolved in the affirmative."

APRIL 29, 1778.

The committee appointed to prepare proposals to such foreign officers and soldiers as incline to become citizens of America, brought in a report, which being read and amended, was agreed to as follows:

To the officers and soldiers in the service of the king of Great Britain, not subjects of the said king:

\*                      \*                      \*                      \*

Townships, from twenty to thirty thousand acres of land, shall be laid out and appropriated to such of you as will come over to us, in the following manner.

\*                      \*                      \*                      \*

We now address you as part of the great family of mankind, whose freedom and happiness we most earnestly wish to promote and establish.

Disdain, then, to continue the instruments of frantick ambition and lawless power. Feel the dignity and importance of your nature. Rise into the rank of free citizens of free states. Desist from the vain attempt to ravage and depopulate a country you cannot subdue, and accept from our munificence what can never be obtained from our fears.      \*      \*

*Resolved*, That it be recommended to the several states, who have vacant lands, to lay off with as much expedition as possible, a sufficient quantity of lands to answer the purposes expressed in the foregoing address; for which lands no charge is to be made against the United States.

On the question to agree to the foregoing address and reso-

lution, six states voted *ay*, Rhode Island, Connecticut and New Jersey, *no*, and Maryland, *div*.

So it was resolved in the affirmative.

\* \* \* \*

—[*Secret Journals of Congress*, i, 70, 71, 73, 74.

MONDAY, June 22, 1778.

\* \* \* \*

Congress proceeded to consider the objections of the states to the articles of confederation; whereupon, the delegates of Maryland read to Congress instructions they had just received from their constituents; and moved,

That the objections from the state of Maryland to the confederation be immediately taken up and considered by Congress: \* \* question put, resolved in the affirmative.

\* \* \* \*

A third amendment was moved in behalf of Maryland, \* \* “the United States in Congress assembled, shall have the power to appoint commissioners, who shall be fully authorized and empowered to ascertain and restrict the boundaries of such of the confederated states which claim to extend to the river Mississippi, or South Sea:” after debate,

*Resolved*, That the consideration thereof be postponed until to-morrow.

\* \* \* \*

TUESDAY, June 23, 1778.

\* \* \* \*

“On the question to agree, the yeas and nays being required,” only Rhode Island, New Jersey, Pennsylvania, Delaware and Maryland voted *ay*. “So it passed in the negative.”

On the same day it was moved, in behalf of Rhode Island, “that all lands within these states, the property of which, before the present war, was vested in the crown of Great-Britain, \* \* shall be deemed, taken and considered as the property of these United States, and be disposed of and appropriated

by Congress for the benefit of the whole confederacy, reserving, however, to the states within whose limits such crown lands may be, the entire and complete jurisdictions thereof: question put, passed in the negative, 1 aye, 9 noes."

\*                      \*                      \*                      \*

THURSDAY, *June 25, 1778.*

\*                      \*                      \*                      \*

"Congress took into consideration the representation from New Jersey, on the articles of confederation," of which the following is an extract :

It was ever the confident expectation of this state, that the benefits derived from a successful contest, were to be general and proportionate; and that the property of the common enemy, \* \* would belong to the United States, and be appropriated to their use. We are therefore greatly disappointed in finding no provision made in the confederation for empowering the Congress to dispose of such property, but especially the vacant and impatented lands, commonly called the crown lands, for defraying the expenses of the war, and for such other public and general purposes. The jurisdiction ought in every instance to belong to the respective states within the charter or determined limits of which such lands may be seated; but reason and justice must decide, that the property which existed in the crown of Great-Britain, previous to the present revolution, ought now to belong to the Congress, in trust for the use and benefit of the United States. They have fought and bled for it, in proportion to their respective abilities, and therefore the reward ought not to be predilectionally distributed. Shall such states as are shut out by situation from availing themselves of the least advantage from this quarter, be left to sink under an enormous debt, whilst others are enabled, in a short period, to replace all their expenditures from the hard earnings of the whole confederacy?

The same "representation" contains the following paragraph :

The boundaries and limits of each state ought to be fully

and finally fixed and made known : this we apprehended would be attended with very salutary results, by preventing jealousies as well as controversies, and promoting harmony and confidence among the states. If the circumstances of the times would not admit of this, previous to the proposal of the confederation to the several states, the establishment of the principles upon which, and the rule and mode by which the determination might be conducted, \* \* \* would be satisfactory.

Upon a motion to reconsider the several articles in the confederation, so far as to admit the purport of the amendments in the said representation of New Jersey, the question being put, it passed in the negative, " 3 ayes, 6 noes, 1 divided."

THURSDAY, *July 9, 1778.*

\* \* \* \*

The ratification of the articles of confederation, engrossed on a roll of parchment, being laid before Congress, \* \* was signed, on the part and in behalf of their respective states, by the delegates of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, Pennsylvania, Virginia, and South-Carolina, agreeably to the powers vested in them.

The delegates of the states of New-Jersey, Delaware, and Maryland, informed Congress that they have not yet received powers to ratify and sign.

North Carolina, whose legislature has ratified the articles of confederation, and the State of Georgia, were not at this time represented in Congress.

\* \* \* \*

FRIDAY, *July 10, 1778.*

\* \* \* \*

The committee appointed to prepare a circular letter to the states in this union, who have not hitherto authorized their delegates to ratify the confederation, brought in a draft, which being read and amended, was agreed to as follows:

Sir: Congress, intent upon the present and future security

of these United States, has never ceased to consider a confederacy as the great principle of union, which can alone establish the liberty of America and exclude forever the hopes of its enemies. Influenced by considerations so powerful, and duly weighing the difficulties, which oppose the expectation of any plan being formed, that can exactly meet the wishes and obtain the approbation of so many states, differing essentially in various points; Congress have, after mature deliberation, agreed to adopt, without amendments, the confederation transmitted to the several states for their approbation. The states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, Pennsylvania, Virginia, North-Carolina, and South-Carolina, have ratified the same, and it remains only for your state with those of                      to conclude the glorious compact, which, by uniting the wealth, strength, and councils of the whole, may bid defiance to external violence and internal dissensions, whilst it secures the public credit both at home and abroad. Congress is willing to hope that the patriotism and good sense of your state will be influenced by motives so important, and they request, sir, that you will be pleased to lay this letter before the legislature of                      in order that, if they judge it proper, their delegates may be instructed to ratify the confederation with all convenient dispatch; trusting to future deliberations to make such alterations and amendments as experience may show to be expedient and just. I have the honor to be, &c.”                      \*                      \*                      \*

FRIDAY, *July 24*, 1778.

\*                      \*                      \*                      \*

Pursuant to the powers in them vested, the delegates of Georgia signed the ratification of the confederation.

\*                      \*                      \*                      \*

THURSDAY, *November 26*, 1778.

The delegates of New Jersey signed the ratification of the articles of confederation, in pursuance of the powers to them

granted by an act passed November 20, 1778, the preamble of which is in the following words :

And whereas notwithstanding the terms of the said articles of confederation and perpetual union are considered as in divers respects unequal and disadvantageous to this state, and the objections to several of the said articles lately stated and sent to the general Congress aforesaid, on the part of this state, are still viewed as just and reasonable, and sundry of them as of the most essential moment to the welfare and happiness of the good people thereof; yet, under the full conviction of the present necessity of acceding to the confederacy proposed, and that every separate and detached state interest ought to be postponed to the general good of the union; and moreover, in firm reliance that the candour and justice of the several states will, in due time, remove as far as possible the inequality which now subsists :

SECT. 1. Be it enacted [etc.].

— [*Secret Journals of Congress*, i, 421.

WEDNESDAY, *January 6, 1779.*

The delegates of Maryland laid before Congress a declaration of that state, relative to the confederation. \* \*

*Ordered*, that the consideration thereof be postponed.

\* \* \* \*

The said declaration is, in part, as follows :

## BY THE STATE OF MARYLAND.

### *A Declaration.*

WHEREAS the general assembly of Maryland hath heretofore resolved “That the delegates from this State should be instructed to remonstrate to the congress, that this state esteem it essentially necessary for rendering the Union lasting, that the United States in congress assembled should have full power to ascertain and fix the western limits of those states that claim to the Mississippi or South Sea.”

“That this state considered themselves justly entitled to a

right in common with the other members of the Union, to that extensive tract of country which lies to the westward of the frontiers of the United States, the property of which was not vested in, or granted to individuals at the commencement of the present war: That the same had been or might thereafter be gained from the King of Great Britain, or the native Indians by the blood and treasure of all, and ought therefore to be a common estate to be granted out on terms beneficial to all the United States, and that they should use their utmost endeavors that an article to that effect be made a part of the confederation.

\* \* \* \*

Which resolves, remonstrance, and instructions were by our delegates laid before congress, and the objections therein made to the confederation were submitted in writing to their consideration, and the several points fully discussed and debated, and the alterations and amendments proposed by our delegates to the confederation in consequence of the aforesaid instructions by us to them given, were rejected, and no satisfactory reasons assigned for the rejection thereof.

We do therefore declare that we esteem it fundamentally wrong and repugnant to every principle of equity and good policy, on which a confederation between free, sovereign and independent states ought to be founded; that this or any other state entering into such confederation, should be burthened with heavy expences for the subduing and guarranteeing immense tracts of country, if they are not to share any part of the monies arising from the sales of the lands within those tracts, or be otherwise benefited thereby. \* \*

We declare that we mean not to subject ourselves to such guarranty nor will we be responsible for any part of such expense, unless the third article [establishing a firm league of friendship for the common defence] and proviso [to the ninth, according to which no State was to be deprived of territory for the benefit of the United States], aforesaid be explained so as to prevent their being hereafter construed in a manner injurious to this state. \* \* \*

We declare that we will accede to the confederation, provided an article or articles be added thereto, giving full power to the United States in congress assembled to ascertain and fix the western limits of the states claiming to extend to the Mississippi, or South Sea, and expressly reserving or securing to the United States a right in common in, and to all the lands lying to the westward of the frontiers as aforesaid, not granted to, surveyed for, or purchased by individuals at the commencement of the present war. \* \* \*

We entered into this just and necessary war to defend our rights against the attacks of avarice and ambition, \* \* and we are resolved to continue \* \* until Independence is firmly established. \* \* If the enemy encouraged by the appearance of divisions among us, and the hope of our not confederating, should carry on hostilities longer than they otherwise would have done, let those be responsible for the prolongation of the war, and all its consequent calamities, who by refusing to comply with requisitions so just and reasonable have hitherto prevented the confederation from taking place. \* \* \*

By the House of Delegates,  
December 15, 1778.

By the Senate,  
December 15, 1778.

—[*Henning's (Va.) Statutes at Large*, x, 549–552.

TUESDAY, February 16, 1779.

Mr. M'Kean, a delegate for Delaware, laid before Congress the following instrument, empowering the delegates of that state, or any of them, to ratify and sign the articles of confederation :

\* \* \*  
Whereas articles of confederation and perpetual union between the states \* \* have been laid before the legislature of this state, to be ratified by the same if approved: and, whereas, notwithstanding the terms of the articles of confederation and perpetual union are considered as in divers respects

unequal and disadvantageous to this state, and the objections stated on the part of this state are viewed as just and reasonable, and of great moment to the welfare and happiness of the good people thereof, yet, under the full conviction of the present necessity of acceding to the present confederacy proposed, and that the interest of particular states ought to be postponed to the general good of the union; and moreover, in firm reliance that the candour and justice of the several states will, in due time, remove as far as possible, the objectionable parts thereof:

Be it enacted \* \* that the \* \* delegates appointed to represent this state in Congress, or any one or more of them, be, and they hereby are authorized, empowered, and directed, on behalf of this state, to subscribe and ratify the said articles of confederation and perpetual union. \* \*

MONDAY, *February 22, 1779.*

\* \* \* \*

In pursuance of the powers vested in him, Mr. M'Kean, a delegate from the state of Delaware, signed and ratified the articles of confederation in behalf of that state.

TUESDAY, *February 23, 1779.*

The delegate of Delaware laid before Congress sundry resolutions passed by the council of that state, January 23, 1779, respecting the articles of confederation and perpetual union, and concurred in by the house of assembly, January 28, 1779, previous to their passing a law to empower their delegates to sign and ratify the said articles of confederation and perpetual union.

On which it was moved, that the same be filed: To which it was moved, as an amendment, to add, "Provided, that it shall never be considered as admitting any claim by the same set up or intended to be set up."

The motion thus amended was adopted, New Jersey, Delaware and Maryland voting *no*.

The said resolutions of Delaware are as follows :

Resolved, That this state think it necessary for the peace and safety of the states to be included in the union ; that a moderate extent of limits should be assigned for such of those States as claim to the Mississippi or South Sea ; and that the United States in Congress assembled, should and ought to have the power of fixing their western limits.

Resolved also, That this state consider themselves justly entitled to a right, in common with the members of the union, to that extensive tract of country which lies to the westward of the frontiers of the United States, the property of which was not vested in, or granted to, individuals at the commencement of the present war : That the same hath been, or may be, gained from the king of Great Britain, or the native Indians, by the blood and treasure of all, and ought therefore to be a common estate, to be granted out on terms beneficial to the United States.

Resolved also, That the courts of law established within this state are competent for the purpose of determining all controversies concerning the private right of soil claimed within the same ; and they now, and at all times hereafter, ought to have cognizance of such controversies : That the indeterminate provision proposed in the ninth article of the confederation for deciding upon controversies that may arise about some of those private rights of soil tends to take away such cognizance, and is contrary to the declaration of rights of this state ; and therefore ought to receive an alteration.

\* \* \* \*

Resolved, That notwithstanding the terms of the articles of confederation aforesaid are considered as in divers respects unequal and disadvantageous to this state, and the objections in the report of the committee of this house, and the resolves made thereon, are viewed as just and reasonable, and of great moment to the welfare and happiness of the good people thereof ; yet, under the full conviction of the present necessity of acceding to the confederacy proposed, and in firm reliance that the candour and justice of the several states will in due time remove as far as possible the objectionable parts thereof,

the delegates appointed to represent this state in Congress, or any one or more of them, be authorized, empowered and directed, on behalf of this state, to subscribe and ratify the said articles of confederation, \* \* and that the said articles, when so subscribed and ratified, shall be obligatory on this state.

—[*Secret Journals of Congress*, i, 429, 430.]

While several of the States, and particularly Maryland, strenuously insisted, as above shown, that Congress should assume and exercise the right of property in the unsettled western lands claimed by several of the individual States, other States, especially Virginia, continued the sale of these lands, and earnestly remonstrated against any interference, whether by a corporation or by Congress, as appears from the following records:

TUESDAY, *September 14*, 1779.

\* \* \* \*

A memorial of the proprietors of a tract of land called Indiana, signed on behalf of the proprietors, and as their agent, by George Morgan, was read, stating “that on the 3d day of November, 1768, at a general Congress with the Six Nations and other Indians, held at Fort-Stanwix, in consideration of the sum of £85,619 10 8, the amount of the value of the damages sustained by the traders, the said Six United and Independent Nations, the true and absolute owners and proprietors, did grant a tract of land called Indiana, described as follows, viz. \* \* that the said tract of land, thus obtained for so valuable a consideration, and with every circumstance of notoriety and authority that can give validity to any grant, was afterwards, (as being included within the bounds of a larger tract of land called Vandalia,) by order of the King of Great-Britain in council, before the declaration of the independency of these United States, separated from the dominion tract of country cannot remain subject to the jurisdiction of which, in right of the crown, Virginia claimed over it.

And therefore the memorialists are advised, that the said Virginia or any particular state, but of the whole United States in Congress assembled: that some acts of the state of Virginia, directing the sale of the lands in question, to commence in October next, for the particular benefit of that state, seem intended to prevent and defeat the interposition of Congress, and therefore praying this honourable house to take the distressed case of the memorialists into speedy consideration, and that such order may be directed as may be thought proper to stay Virginia in the sale of the lands in question, till Virginia, as well as the memorialists, can be heard before this honourable house, and the whole rights of the owners of the tract of land called Vandalia, of which Indiana is a part, shall be ascertained in such a manner as may tend to support the sovereignty of the United States and the just rights of the individuals therein."

Also a memorial of William Trent, in behalf of Thomas Walpole and his associates, claiming a right to the tract of land called Vandalia, was read.

A motion was adopted that the aforesaid memorial signed by George Morgan be referred to a committee of five.

FRIDAY, *October 8, 1779.*

Congress proceeded to the election of a committee on the foregoing memorial of George Morgan, and ordered that the petition of William Trent before mentioned, be referred to the same committee.

The committee was instructed to enquire into the foundation of an objection made by the Virginia delegates to the jurisdiction of Congress on the subject matter of the said petition and memorial.

FRIDAY, *October 29, 1779.*

\*

\*

\*

\*

The committee to whom were referred the memorial of G. Morgan and the petition of William Trent, beg leave to report, that they have read over and considered the state of

facts given in by the delegates of Virginia, and cannot find any such distinction between the question of jurisdiction of Congress, and the merits of the cause, as to recommend any decision upon the first separately from the last; that they recommend to Congress the following resolution, that, considering the present incomplete state of the confederation, it be recommended to the state of Virginia, and every other state in similar circumstances, to suspend the sale, grant, or settlement of any land unappropriated at the time of the declaration of independence, until the conclusion of the war.

\*                      \*                      \*                      \*

SATURDAY, *October 30, 1779.*

The following resolution was adopted, Virginia and North-Carolina, voting *no*, and New York, *div* :

Whereas the appropriation of vacant lands by the several states during the continuance of the war will, in the opinion of Congress, be attended with great mischiefs; therefore,

*Resolved*, That it be earnestly recommended to the state of Virginia, to re-consider their late act of assembly for opening their land-office; and that it be recommended to the said state, and all other states similarly circumstanced, to forbear settling or issuing warrants for unappropriated lands, or granting the same during the continuance of the present war.

VIRGINIA, *to wit* :

IN GENERAL ASSEMBLY THE 14th DECEMBER, 1779.

*The Remonstrance of the General Assembly of Virginia, to the delegates of the United American States in Congress assembled.*

\*   \*   The general assembly of Virginia cannot avoid expressing their surprize and concern, upon the information that congress had received and countenanced petitions from certain persons stiling themselves the Vandalia and Indiana company's, asserting claims to lands in defiance of the civil authority, jurisdiction and laws of this commonwealth, and offering to erect a separate government within the territory

thereof. Should congress assume a jurisdiction \* \* superseding or controuling the internal policy, civil regulations, and municipal laws of this or any other state, it would be a violation of public faith, introduce a most dangerous precedent \* \* and establish in congress a power which in process of time must degenerate into an intolerable despotism.

\* \* But altho' the general assembly of Virginia would make great sacrifices to the common interest of America, \* \* and will be ready to listen to any just and reasonable propositions for removing the *ostensible* causes of delay to the complete ratification of the confederation, they find themselves impelled by the duties which they owe to their constituents, to their posterity, to their country, and to the United States in general, to remonstrate and protest; \* \* against any jurisdiction or right of adjudication in congress, upon the petitions of the Vandalia or Indiana company's, or on any other matter or thing subversive of the internal policy, civil government, or sovereignty of this or any other of the United American States, or unwarranted by the articles of the confederation.

—[*Henning's (Va.) Statutes at Large*, x, 557-559.

IMPORTANT LETTER FROM GENERAL PHILIP SCHUYLER, AS  
DELEGATE IN CONGRESS, TO THE N. Y. LEGISLATURE.

ALBANY *January 29<sup>th</sup>*, 1780.

Gentlemen.

Concieving it my Duty as a servant of the State to advise the Legislature of any Occurrences in Congress which may immediately affect either the Honor or the Weal of the State, I beg Leave to inform the honorable Houses in which you respectively preside of some Matters which I intended to have conveyed thro' his Excellency the Governor, supposing that to be the proper Channel of Communication: but was prevented by his leaving the City, and as I humbly concieve the Subject worthy the immediate Attention of the Legislature and that Evils may possibly arise from Delay, I have taken the Liberty to address myself to you, trusting that his Excel-

lency's Candor and that of the Legislature will excuse the Impropriety if it should be deemed one.

Deeply impressed with a Sense of the intrinsic Advantages which would probably result to the United States in general, and this in particular, from a perfect and permanent Reconciliation with an Enemy so formidable to a weak and extensive Frontier as fatal Experience has evinced the Indians to be, to whom Distance of Situation seems no great Obstacle to prevent or retard their Incursions; reflecting, with the most anxious Concern, on the Desolation and Variety of Distress incident on a Savage War; apprehensive that they would consider themselves without any Alternative but that of recommencing Hostilities; dreading the Effects of a consequent Desperation on their part; firmly believing that the greatly deranged State of the public Finances would render it exceedingly difficult to procure the necessary Supplies for that Army only which must keep the Enemy's Force on the Sea Board in Check; doubtful whether detachments of sufficient Force to protect the Frontiers could be spared from our Army whilst the British retained their present position; aware of the Distresses and Expence incident on calling forth the Militia for the purpose; convinced that an Obstacle of very interesting Importance would be removed if Events should happily arise which would permit us to turn our Attention to the Reduction of Canada or the Enemies Fortresses in the interior parts of the Country; persuaded that no farther offensive Operations could be prosecuted against the Savages with any probable prospect of adequate Advantage I embraced the earliest opportunity to advise Congress of the Overtures made by the Cayugas, and took the liberty strongly to point at the Necessity of an Accommodation with all the Savages: but not being honored with an Answer as early as the Importance of the Object seemed to require, and wishing to improve the Advantage which the first Impulse occasioned by the Disaster the Indians had experienced would probably afford us, I hastened to Congress to solicit their Determination which was obtained

on the November last, Copy whereof I have the Honor to enclose.

Whilst the Report of the Committee on the Business I have alluded to was under Consideration a Member moved in substance "That the Commissioners for Indian Affairs in the Northern Department should require from the Indians of the six Nations, as a preliminary Article, a Cession of part of their Country, and that the Territory so to be ceded should be for the Benefit of the United States in general & grantable by Congress." A Measure so evidently injurious to this State exceedingly alarmed and chagrined those whose Duty it was to attend to its Interests. They animadverted with Severity on the unjustifiable principle held up in the Motion; the pernicious Consequence of divesting a State of its undoubted property in such an extrajudicial Manner was forcibly urged; the Apprehensions with which it would fill and affect the Minds of a people who had been as firm in the present glorious Contest; who had made more strenuous and efficacious Exertions to support it; had suffered more and still suffered as much as any were strongly painted. The Improbability that the Indians would accede to a Reconciliation when such a preliminary was insisted upon was observed by many Members & urged on a Variety of Considerations. The Gentlemen in Favor of the Motion attempted to support it on the general Ground that what was acquired or conquered at the common Expence ought to enure to the common Benefit: that the Lands in Question, altho' they might be comprehended within the Limits of the State of New York (which however was not acknowledged) was not the property of the State, that being either in the Natives or by Right of Conquest in the United States. The Motion was nevertheless after some farther desultory Debate rejected: but from what drop'd in the Debate we had Reason to apprehend that several who were opposed to the Motion founded their Opposition on the Necessity of a Reconciliation with the Indians, against which, they imagined the Spirit of the Motion would militate—and we had a few Days after a convincing proof that an Idea prevailed

that this and some other States ought to be divested of part of their Territory for the Benefit of the United States, when a Member afforded us the perusal of a Resolution for which he intended to move the House purporting "that all the "Lands within the Limits of any of the United States, heretofore grantable by the King of Great Britain whilst these "States (then Colonies) were in the Dominion of that prince, "and which had not been granted to Individuals should be considered as the joint property of the United States and disposed "of by Congress for the Benefit of the whole Confederacy." The Necessity and propriety of such an Arrangement was strenuously insisted upon, in private Conversation, and even supported by Gentlemen who represented States in Circumstances seemingly similar to ours with Respect to the Object of the intended Resolution. It was observed that if such States whose Bounds were either indefinite or were pretended to extend to the South Seas would consent to a reasonable Western Limitation, that it would supercede the Necessity of any intervention by Congress other than that of permanently establishing the Bounds of each State: prevent Controversy and remove the Obstacle which prevented the Completion of the Confederation. As this State would be eminently affected by such a Measure it was deemed of Importance as fully to investigate their Intentions as could be done consistent with that Delicacy and prudence to be observed on so interesting an Occasion and a Wish was accordingly expressed, as arising from mere Curiosity, to know their Idea of a reasonable Western Limitation. This they gave by exhibiting a Map of the Country, on which they drew a Line from the North west Corner of pennsylvania (which on that Map was laid down as in Lake Erie) thro' the Strait that leads to ontario and thro' that Lake and down the S<sup>t</sup>. Lawrence to the forty-fifth Degree of Latitude for the Bounds of this State in that Quarter. Virginia, the two Carolinas and Georgia they proposed to restrict by the Alleghany Mountains, or at farthest by the Ohio to where that River enters the Mississippi and by the latter River to the south Bounds of Georgia—That all the Territory to the

west of those Limits should become the property of the Confederacy. We found this Matter had been in Contemplation some Time, the Delegates from North Carolina having then already requested Instructions from their Constituents on the Subjects, and my Colleagues were in Sentiment with me that it should be humbly submitted to the Legislature, if it would not be proper to communicate their pleasure in the premises by Way of Instruction to their Servants in Congress.

I am  
gentlemen  
with great respect  
& esteem  
Your most obedient  
Humble Servant,  
PH: SCHUYLER.

The Honble PIERRE VAN CORTLANDT and  
EVERT BANKER Esq<sup>r</sup>.

—[*N. Y. Legis. Papers (MS., in State Library), No. 1544.*]

[IN N. Y. SENATE.]

TUESDAY MORNING, *February 1*, 1780.

\* \* \* \*

A Letter from the Honorable *Philip Schuyler*, Esq; a Delegate from this State in Congress, dated at *Albany*, the 29th of January last, and directed to the Legislature, was received and read.

*Resolved*, That Mr. *Platt*, Mr. *Paine*, and Mr. *Yates*, be a Committee of this Senate, to meet such Committee of the Honorable the House of Assembly, as they shall think proper to appoint for the Purpose, to consider of, and report the steps proper to be taken by the Legislature, on the said Letter.

*Ordered*, That Mr. *Fonda* carry a Copy of the foregoing Resolution to the Honorable the House of Assembly.

\* \* \* \*

[IN ASSEMBLY.]

TUESDAY, 9 o'Clock, A. M., February 1, 1780.

\* \* \* \*

A Copy of a Resolution of the Honorable the Senate, delivered by Mr. *Fonda*, with the Letter therein mentioned, was read, and is in the Words following, to wit,

*"In SENATE, February 1, 1780.*

“*Resolved*,” [etc. as above, except that the last two words, “said Letter,” are replaced by the words, “the Letter from the Honorable *Philip Schuyler*, Esq; one of the Delegates from this State in Congress.”]

The said Letter was then read.

*Ordered, That Mr. Harpur, Mr. Brasher, Mr. Bay, Mr. Vrooman, and Mr. Benson, be a Committee of this House, to meet the said Committee of the Honorable the Senate, for the Purposes in the said Resolution of the Senate mentioned.*

Ordered, That Mr. *Brasher* and Mr. *Jay* carry a Copy of the last Resolution to the Honorable the Senate.

\* \* \* \*

[IN SENATE.]

THURSDAY AFTERNOON, *February* 3, 1780.

\* \* \* \*

A Message from the Honorable the House of Assembly, by Mr. *Hopkins*<sup>1</sup> and Mr. *Grover*,<sup>1</sup> was received ; informing, That Mr. *Harpur*, Mr. *Brasher*, Mr. *Bay*, Mr. *Vrooman*, and Mr. *Benson*, are appointed a Committee of that Honorable House, to meet the Committee of this Senate, to consider of, and report the Steps proper to be taken by the Legislature, on the Letter from the Honorable *Philip Schuyler*, Esq ;

\* \* \*

SATURDAY MORNING, *February* 5, 1780.

\* \* \*

Mr. *Platt*, of the Committee of this Senate, of the joint Committee of the Senate and Assembly, to whom was refer-

<sup>1</sup>A new Committee seems to have been appointed to deliver this message, though no entry to this effect appears on the *Journal*.—[ P.

red the Letter from the Honorable *Philip Schuyler*, Esq; reported, That the Committee had prepared the Draft of a Bill, for facilitating the Completion of the Articles of Confederation and perpetual Union among the United States of *America*; and that they had directed him to move for Leave to bring in the same.

*Ordered*, That Leave be given accordingly.

Mr. *Platt* accordingly brought in the said Bill, which was read the first Time, and ordered a second Reading.

\* \* \* \*

MONDAY MORNING, *February* 7, 1780.

\* \* \* \*

The Bill, entitled, “An Act to facilitate the Completion of the Articles of Confederation and perpetual Union among the United States of *America*,” was read the second Time, and committed to a Committee of the Whole.

\* \* \* \*

[IN ASSEMBLY.]

TUESDAY, 9 o’Clock, A. M., *February* 8, 1780.

\* \* \* \*

Mr. *Harpur*, from the Committee of this House, of the joint Committee of the Senate and Assembly, to whom was referred the Letter from the Honorable *Philip Schuyler*, Esq; one of the Delegates from this State in Congress, reported, That the joint Committee had prepared the Draft of a Bill, to facilitate the Completion of the Articles of Confederation and perpetual Union among the United States of *America*: And that it was concluded in the said joint Committee, that the said Bill should originate in Senate.

\* \* \* \*

COPIES OF DOCUMENTS RELATING TO THE

[IN SENATE.]

TUESDAY AFTERNOON, *February* 8, 1780.

Mr. *Platt*, from the Committee of the Whole, on the Bill, entitled, [as above], reported that they had gone through the Bill, and agreed to the same without Amendment.

*Ordered*, That the Bill be engrossed.

WEDNESDAY AFTERNOON, *February* 9, 1780.

The engrossed Bill, entitled, [as above], was read the third Time.

*Resolved*, That the Bill do pass.

*Ordered*, That Mr. *Rosevelt* carry the Bill to the Honorable the House of Assembly, and request their Concurrence thereto.

[IN ASSEMBLY.]

THURSDAY, 9 o'Clock, A. M., *February* 10, 1780.

A Message from the Honorable the Senate, was delivered by Mr. *Roosevelt*, with the Bills therein mentioned, that the Senate have passed a Bill, entitled, \* \* : And a Bill, entitled, “ An Act to facilitate ” [etc., as above]; and request the Concurrence of this House to the said Bills respectively.

The said Bills were respectively read the first Time, and ordered a second Reading.

FRIDAY, 3 o'Clock, P. M., *February* 11, 1780.

The Bill, entitled, [as above]; was read a second Time, and committed to a Committee of the Whole House.

SATURDAY, 3 o'Clock, P. M., February 12, 1780.

\* \* \* \*

Mr. *Humfrey*, from the Committee of the whole House, on the Bill, entitled, [as above], reported, That the Committee had gone through the said Bill, and made an Amendment thereto; which they had directed him to report to the House; and he read the Report in his Place, and delivered the Bill, and Amendment, in at the Table, where the same were again read, and agreed to by the House.

The said Bill, with the Amendment, was then read the third Time.

*Resolved*, That the Bill, and Amendment, do pass.

*Ordered*, That Mr. *Smith*, and Mr. *Quackenbos* carry back the said Bill to the Honorable the Senate; and inform them that this House have passed the same, with the Amendment therewith delivered.

\* \* \* \*

[IN SENATE.]

MONDAY MORNING, February 14, 1780.

\* \* \* \*

A Message from the Honorable the House of Assembly, by Mr. *Smith* and Mr. *Quackenbos*, was received, with the Bill, entitled, [as above], informing, that they had passed the Bill, with the Amendment therewith delivered.

The said Amendment being read, and taken into Consideration, was agreed to, and the Bill was amended accordingly.

*Ordered*, That Mr. *Platt* return the Bill to the Honorable the House of Assembly; and inform them that the Senate have agreed to the Amendment thereto, and that the same is amended accordingly.

\* \* \* \*

[IN ASSEMBLY.]

MONDAY, 9 o'Clock, A. M., February 14, 1780.

\* \* \* \*

A Message from the Honorable the Senate, was delivered by Mr. *Platt*, with the Bill therein mentioned, that the Sen-

ate have agreed to the Amendment to the Bill, entitled, [as above]; and amended the same accordingly.

The said Bill, and Amendment, being examined; and it appearing thereby that the Amendment is truly made:

*Ordered*, That Mr. *Humfrey*, and Mr. *Day* return the said Bill to the Honorable the Senate.

\*                      \*                      \*                      \*

[IN SENATE.]

MONDAY AFTERNOON, *February 14*, 1780.

\*                      \*                      \*                      \*

A Message from the Honorable the House of Assembly, by Mr. *Humfrey* and Mr. *Day*, was received, returning the Bill, entitled, [as above].

*Ordered*, That Mr. *Parks* carry the Bill to the Honorable the Council of Revision.

\*                      \*                      \*                      \*

TUESDAY MORNING, *February 15*, 1780.

\*                      \*                      \*                      \*

*Ordered*, That Mr. *Platt*, Mr. *Ten Broeck* and Mr. *Yates* be a Committee to prepare and report a Draft of Instructions to the Delegates from this State in Congress.

\*                      \*                      \*                      \*

WEDNESDAY MORNING, *February 16*, 1780.

Mr. *Platt*, from the committee for the Purpose appointed, reported a Draft of Instructions to the Delegates of this State in Congress; which he read in his Place, and delivered in at the Table, where it was again read, and considered by Paragraphs; and the same being again read, was agreed to.

*Ordered*, That Mr. *Platt* carry the said Draft of Instructions to the Honorable the House of Assembly, and request their Concurrence thereto.

[IN ASSEMBLY.]

WEDNESDAY, 9 o'Clock A. M. *February 16, 1780.*

\* \* \* \*

A Message from the Honorable the Senate, was delivered by Mr. *Platt*, with the Draft of Instructions therein mentioned, that the Senate have prepared a Draft of Instructions to the Delegates of this State in Congress, and request the Concurrence of this House.

The said Draft of Instructions to the Delegates of this State in Congress, was read, and committed to a Committee of the whole House.

\* \* \* \*

THURSDAY, 9 o'Clock A. M. *February 17, 1780.*

Mr. *Moffat*, from the Committee of the whole House, on the Draft of Instructions to the Delegates of this State in Congress, reported, That the Committee had gone through the said Draft of Instructions without Amendment; which he was directed to report to the House; and he read the Report in his Place, and delivered the said Draft in at the Table, where the same was again read and agreed to by the House.

*Resolved*, If the Honorable the Senate shall concur herein, That after the Instructions shall be engrossed, Mr. President and Mr. Speaker subscribe the same in Behalf of both Houses; and that a Copy, subscribed as aforesaid, be sent by a Message from the Senate or Assembly, to the Honorable the Council of Revision.

*Ordered*, That Mr. *Sacket* carry a Copy of the above Resolution, with the said Draft of Instructions, to the Honorable the Senate; and inform them that this House have agreed to the said Draft of Instructions without Amendment.

\* \* \* \*

[IN SENATE.]

THURSDAY AFTERNOON, *February 17, 1780.*

\* \* \* \*

A message from the Honorable the House of Assembly, by Mr. *Sacket* and Mr. *Moffat*, was received, with the Draft of

Instructions to the Delegates of this State in Congress; informing, that they had agreed to the same without Amendment.

*Ordered*, That the said Draft of Instructions be engrossed.

Mr. *Sacket* and Mr. *Moffat* also delivered the following Resolution of the Honorable the House of Assembly for Concurrence, *viz.*

“ *In ASSEMBLY, February 17, 1780.*

“ *Resolved*,” (etc., as above in morning Session).

*Resolved*, That this Senate do concur with the Honorable the House of Assembly in their said Resolution; and that this Senate will send a Copy of the said Instructions to the Honorable the Council of Revision accordingly.

*Ordered*, That Mr. *Tozer* carry a copy of the foregoing Resolution of Concurrence to the Honorable the House of Assembly.

\* \* \* \*

FRIDAY MORNING, *February 18, 1780.*

\* \* \* \*

The engrossed Instructions, from the Legislature of the State of *New-York*, to their Delegates in the Honorable Congress of the United States of *America*, were read.

*Ordered*, That Mr. *Roosevelt* carry a Copy thereof, subscribed by Mr. President and Mr. Speaker, on Behalf of both Houses, to the Honorable the Council of Revision.

\* \* \* \*

[IN COUNCIL OF REVISION.]

SATURDAY 19<sup>th</sup> *February, 1780.*

*Present*—His Excellency Governor Clinton

The Hon<sup>ble</sup> Mr Chief Justice Morris

The Hon<sup>ble</sup> Mr. Justice Hobart.

\* \* \* \*

The Bill entitled “an act to facilitate the Completion of the articles of Confederation and perpetual union among the United States of America” together with the Instructions

from the Legislature of this State to their Delegates in Congress, to accompany the said Bill being read the second Time and considered.

Resolved that it does not appear improper to the Council that the said Bill should become a Law of this State.

Ordered that a Copy of the preceding Resolution signed by His Excellency the Governor be Delivered to the Honorable the Senate by Mr. Justice Hobart.

— [*Minutes of Council of Revision (MS.)*, in office of Secretary of State, i, (not paged).

[IN SENATE.]

SATURDAY MORNING, *February 19, 1780.*

\* \* \* \*

A Message from the Honorable the Council of Revision, of this Day, by Mr. Justice *Hobart*, was received; purporting that it does not appear improper to the Council, that the Bill, entitled, “An Act \* \* ”: And the Bill, entitled, “An Act to facilitate the Completion of the Articles of Confederation and perpetual Union, among the United States of *America* ;” should become Laws of this State.

\* \* \* \*

# PRELIMINARY ACT OF CESSION BY NEW YORK.

*An ACT to facilitate the Completion of the Articles of Confederation and perpetual Union among the United States of America.*

Passed 19th February, 1780.

WHEREAS nothing under Divine Providence, can more effectually contribute to the Tranquillity and Safety of the United States of *America*, than a federal Alliance on such liberal Principles as will give Satisfaction to its respective Members; *And whereas* the Articles of Confederation and perpetual Union, recommended by the Honourable Congress of the United States of *America*, have not proved acceptable to all the States, it having been conceived, that a Portion of the Waste and uncultivated Territory, within the Limits or Claims of certain States, ought to be appropriated, as a common Fund

for the Expenses of the War: And the People of this State of *New-York*, being, on all Occasions, disposed to manifest their Regard for their Sister States, and their earnest desire to promote the general Interest and Security, and more especially to accelerate the federal Alliance, by removing, as far as it depends upon them, the before mentioned Impediment to its final Accomplishment;

I. *Be it therefore Enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same*, That it shall and may be lawful, to and for the Delegates of this State, in the Honourable Congress of the United States of *America*, or the major Part of such of them as shall be assembled in Congress; and they the said Delegates, or the major Part of them, so assembled, are hereby fully authorised and empowered, for and on Behalf of this State, and by proper and authentic Acts or Instruments, to limit and restrict the Boundaries of this State in the Western Parts thereof, by such Line or Lines, and in such Manner and Form, as they shall judge to be expedient, either with Respect to the Jurisdiction, as well as the Right or Pre-emption of soil; or reserving the Jurisdiction in Part, or in the Whole, over the lands which may be ceded or relinquished, with Respect only to the Right or Pre-emption of the Soil.

II. *And be it further Enacted by the Authority aforesaid*, That the Territory which may be ceded or relinquished by virtue of this Act, either with Respect to the Jurisdiction as well as the Right or Pre-emption of Soil, or the Right or Pre-emption of Soil only; shall be, and enure for the Use and Benefit of such of the United States, as shall become Members of the federal Alliance of the said States, and for no other Use or Purpose whatsoever.

III. *And be it further Enacted by the Authority aforesaid*, That all the Lands to be ceded and relinquished by Virtue of this Act, for the Benefit of the United States, with Respect to Property; but which shall nevertheless remain under the Jurisdiction of this State; shall be disposed of and appropriated in

such Manner only, as the Congress of the said States shall direct; and that a Warrant, under the Authority of Congress, for Surveying and laying out any Part thereof, shall entitle the Party, in whose Favour it shall issue, to cause the same to be surveyed, and laid out, and returned, according to the Directions of such Warrant; and thereupon, Letters patent under the Great Seal of this State, shall pass to the Grantee for the Estate specified in the said Warrant; for which, no other Fee or Reward shall be demanded, or received, than such as shall be allowed by Congress.

IV. *Provided always, and be it further Enacted by the Authority aforesaid*, That the Trust reposed by Virtue of this Act, shall not be executed by the Delegates of this State, unless, at least three of the said Delegates shall be present in Congress.<sup>1</sup>

— [*Laws of N. Y. (Jones and Varick), pp. 53, 54.*]

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The “Instructions” adopted by the Legislature to accompany the foregoing Act, and therewith referred to the Council of Revision, seem not to have been recorded in the office of the Secretary of State; and the only copy available for the present purpose is one which seems to have been the original draft reported to the Legislature, and adopted without amendment, after having been duly engrossed.

*Instructions from the Legislature of the State of New York to their delegates in the Honourable Congress of the United States of America. Given at Albany the day of February anno: Dom: 1780. [Copy from Original Draft.]*

Whereas by an Act passed at this present meeting of the Legislature held at the city of Albany Entitled An Act to facilitate the Completion of the articles of Confederation & perpetual Union among the United States of America.

You the said delegates are authorized to limit and restrict

<sup>1</sup>For the original Draft of this Act, see *N. Y. Legis. Papers (MS., in State Library)*, No. 126.— [P.]

the boundaries of this State In the western parts thereof by such line or lines and in such manner and form as you for the purposes mentioned in the said act shall Judge expedient. And whereas; It is Conceived necessary in a business of such high moment to the state that you should be Instructed by the legislature in the Discharge of the trust reposed in you by the Said Act: You are therefore directed in limiting the said boundaries to Insist on the following propositions in the order in which they stand viz<sup>t</sup>:

1<sup>st</sup>. On a line from the North East Corner of Pennsylvania along the north bounds thereof to Its north west Corner and Continued from thence untill It Intersects a Meridian Line drawn from the 45<sup>th</sup> degree of North Latitude thro a point ten miles due west from the most westerly Bent or Inclination of the Strait between Lake Erie and Lake S<sup>t</sup> Clair: Thence by the said Meridian line to the 45<sup>th</sup> degree of North latitude thence by the said 45<sup>th</sup> degree of North latitude.

2<sup>dly</sup>. On a line from the North East Corner of Pennsylvania along the north bounds thereof to Its north west Corner and Continued from thence until It Intersects a Meridian Line drawn from the 44<sup>th</sup> degree of North Latitude thro a point ten miles due west from the most westerly bent or Inclination of the Strait between lake Erie and Lake S<sup>t</sup> Clair thence by the Said Meridian line to the 44<sup>th</sup> degree of North latitude Thence by the said 44<sup>th</sup> degree of North Latitude to lake Ontario or the River S<sup>t</sup>. Lawrence Thence down the north banks of the Said Lake and the Said river to the 45<sup>th</sup> degree of north Latitude, thence by the said 45<sup>th</sup> degree of north Latitude.

3<sup>dly</sup>. On the bounds mentioned In the first proposition for the Jurisdiction of this State; Yielding up to the united States the right of or preemption of Soil of the tract of Country lying west of a Meridian line drawn from the 45<sup>th</sup> degree of north Latitude thro a point twenty Miles due west of the most westerly bent or Inclination of the river or Strait of Niagara as far south & North & West of the s<sup>d</sup> Meridian line as this State extends.

4<sup>thly</sup>. On the bounds mentioned In the Second proposition for the Jurisdiction of this State Yielding up to the united States the right or preemption of Soil of the tract of Country described In the third proposition

5<sup>thly</sup>. On a line from the North East Corner of Pensylvania along the north bounds thereof to the North west Corner thence southerly along the west bounds thereof until the head of the Cayahoga bears due west thence due west to the Head of the Cayahoga thence down the Cayahoga to the mouth thereof thence due north to the 44<sup>th</sup> degree of North Latitude, thence by the 44<sup>th</sup> degree of north latitude to Lake Ontario or the River S<sup>t</sup> Lawrence; thence by the North banks of the Said Lake and of the Said River to the 45<sup>th</sup> degree of North Latitude & thence by the said 45<sup>th</sup> degree of North latitude.

6<sup>thly</sup>. On the bounds described In the fifth proposition for the Jurisdiction of this state Yielding up to the united States the right or preemption of Soil of the tract of Country described in the third proposition and also the right or preemption of Soil of the tract of Country laying west of pensylvania and on the South Side of Lake Erie.

7<sup>thly</sup>. You are at liberty to agree upon any other line or lines which You may Judge from Circumstances to be Consistent with Your trust and equally advantageous for the State with either of the Propositions above mentioned but if neither of the said propositions or such others as you shall state shall take place You shall In no case restrict or limit the Bounds of the State so as to Exclude or relinquish Any part of the Territory comprized within the following description which you are to Consider and Maintain as the ultimatum of this State both In respect of the right of soil or Preemption from the Natives and of Jurisdiction subject to the Proviso hereinafter named to witt—a line from the North East Corner of Pensylvania along the north bounds thereof to Its north west Corner continued due west untill It shall be Intersected by a meridian line to be drawn from the 45<sup>th</sup> degree of North latitude thro a point twenty miles due west from the most

westerly bent or Inclination of the River or strait of Niagara, thence by the said Meridian line to the 45<sup>th</sup> degree of North Latitude, and thence by the Said 45<sup>th</sup> degree of North Latitude, PROVIDED NEVERTHELESS that If the Great object of the Said Act cannot otherwise be accomplished you Shall be at Liberty to cede for the benefit of the united States the right or preemption of Soil reserving the Jurisdiction, or even both the right or Preemption of Soil and of Jurisdiction to that tract of land part of the Territory described In this Ultimatum which lies east of the Meridian Line mentioned in this Ultimatum and North of the 44<sup>th</sup> degree of North Latitude and of the Lake Ontario and of the River S<sup>t</sup> Lawrence.

—[*N. Y. Legis. Papers (MS., in State Library), No. 596.*

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The journals of Congress make no specific mention of the reception or the reference to a Committee of a copy of the foregoing act with other papers, nor of the report of such Committee, until the subject was formally considered and acted upon, as follows :

WEDNESDAY, *September 6, 1780.*

Congress took into consideration the report of the committee to whom were referred the instructions of the general assembly of Maryland to their delegates in Congress, respecting the articles of confederation, and the declaration therein referred to, the act of the legislature of New-York on the same subject, and the remonstrance of the general assembly of Virginia; which report was agreed to, and is in the words following:

That having duly considered the several matters to them submitted, they conceive it unnecessary to examine into the merits or policy of the instructions or declaration of the general assembly of Maryland, or of the remonstrance of the general assembly of Virginia, as they involve questions, a discussion of which was declined on mature consideration, when the articles of confederation were debated; nor, in the opinion of the committee, can such questions be now revived with

any prospect of conciliation; that it appears more advisable to press upon those states which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the federal union on a fixed and permanent basis, and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our army, to the vigour of our councils and success of our measures, to our tranquillity at home, our reputation abroad, to our very existence as a free, sovereign and independent people; that they are fully persuaded the wisdom of the respective legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the federal union; that they are confirmed in these expectations by a review of the beforementioned act of the legislature of New-York, submitted to their consideration; that this act is expressly calculated to accelerate the federal alliance, by removing, as far as depends on that state, the impediment arising from the western country, and for that purpose to yield up a portion of territorial claim for the general benefit; Whereupon,

*Resolved*, That copies of the several papers referred to the committee be transmitted, with a copy of the report, to the legislatures of the several states, and that it be earnestly recommended to those states, who have claims to the western country, to pass such laws, and give their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the articles of confederation; and that the legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said articles.

Copies of the foregoing report and of the several papers therein referred to, were sent to the Governors of the several States, prefaced by the following circular from the President of Congress:

*Philadelphia September 10, 1780.*

SIR,

Your excellency will receive herewith enclosed an act of Congress of the 6th instant, adopting the report of a committee, together with copies of the several papers referred to in the report.

I am directed to transmit copies of this report and the several papers therein mentioned to the legislatures of the several states, that they all may be informed of the desires and endeavours of congress on so important a subject, and those particular states which have claims to the western territory and the state of Maryland, may adopt the measures recommended by congress in order to obtain a final ratification of the articles of confederation.

Congress, impressed with a sense of the vast importance of the subject have maturely considered the same, and the result of their deliberation is contained in the enclosed report, which being full and expressive of their sentiments upon the subject: without any additional observations, it is to be hoped and most earnestly desired that the wisdom, generosity and candour of the legislatures of the several states which have it in their power, on the one hand to remove the obstacles, and on the other to complete the confederation, may direct them to such measures in compliance with the earnest recommendations of congress as shall speedily accomplish an event so important and desirable as the ratification of the confederation by all the states.

I have the honor to be,

With the highest respect & consideration,

Your excellency's most obed't. servant,

SAM. HUNTINGTON, *President.*

His Excellency

The Governor of ———

—[*Hening's (Va.) Statutes at Large*, x, 548.

TUESDAY, *October 10, 1780.*

*Resolved,* That the unappropriated lands that may be ceded or relinquished to the United States, by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other States :           \*           \*           \*

CONNECTICUT ACT OF CESSION.

At a General Assembly of the Governor and Company of the State of Connecticut in America holden at Hartford on the second Thursday of October being the 12th Day of said Month Anno Domini 1780.

This Assembly taking into their Consideration a Resolution of Congress of the 6th of Septemb<sup>r</sup> last recommending to the several States which have vacant unappropriated Lands lying within the Limits of their respective Charters and Claims to adopt measures which may effectually remove the Obstacle that prevents a Ratification of the Articles of confederation together with the Papers from the States of New York Maryland & Virginia, which accompanied the same, and being anxious for the accomplishment of an Event most desirable and important to the Liberty and Independence of this rising Empire, will do every Thing in their power to facilitate the same, notwithstanding the Objections which they have to several parts of it. RESOLVED by this Assembly, that they will Ceed and relinquish to the United States, who shall be confederated for their Use and benefit, their Right or preemption of Soil in or to so much of the vacant and unappropriated Lands Claimed by this State contained and comprehended within the extent and Limits of their Charter and Grant from King Charles the second, and which lies and extends within the Limits of the same Westward of the Susquehannah Purchase so called and Eastward of the River Misisipi, as shall be in just proportion of what

shall be Ceded and relinquished by the other States, Claiming and holding vacant Lands as aforesaid with the Quantity of such their Claim, unappropriated at the Time when the Congress of the United States was first convened and held at Philadelphia. AND it is further RESOLVED that all the Lands to be ceded and relinquished hereby, for the benefit of the confederated United States with respect to property, but which shall nevertheless remain under the Jurisdiction of this State shall be disposed of and appropriated in such manner only as the Congress of the United States shall direct and that a Warrant under the Authority of Congress for surveying and laying out any part thereof, shall entitle the party in whose favour it shall Issue to cause the same to be laid out and returned according to the Directions of such Warrant, and thereupon the Interest and Title of this State shall pass and be confirmed to the Grantee for the Estate specified in the said Warrant for which no other fee or reward shall be demanded or received than such as shall be allowed by Congress always PROVIDED that said Lands to be granted as aforesaid be laid out and surveyed in Townships in regular form to a suitable number of Settlers in such manner as will best promote the Settlement and cultivation of the same according to the true Spirit and principles of a Republican State. AND the DELEGATES of this State in Congress or any three of them are hereby Impowered & Authorized in behalf of this State to agree to the Location of such Warrants and Surveys as shall be made by Congress according to and in pursuance of the Resolves aforesaid and whatever may be further necessary for the same being carried into full Execution.

—[*MS. Laws of Conn.*; copy furnished by C. J. Hoadley, State Librarian.]

RESOLUTIONS,

*January 2d 1781.*

*For a cession of the lands on the north west side of Ohio to the United States.*

IN THE [V.A.] HOUSE OF DELEGATES,

TUESDAY the 2d of January 1781.

The general assembly of Virginia being well satisfied that the happiness, strength and safety of the United States, depend, under Providence, upon the ratification of the articles for a federal union between the United States, heretofore proposed by congress for the consideration of the said states, and preferring the good of their country to every object of smaller importance, *Do Resolve*, That this commonwealth will yield to the congress of the United States, for the benefit of the said United States, all right, title, and claim that the said commonwealth hath to the lands northwest of the river Ohio, upon the following conditions, to wit: That the territory so ceded shall be laid out and formed into states containing a suitable extent of territory, \* \* That the States so formed shall be distinct republican States, and be admitted members of the federal union, having the same rights of sovereignty freedom and independence as the other States.

\* \* \* \*

That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the herein before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United American States, as have become or shall become members of the confederation or federal alliance of the said states (Virginia inclusive) according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever.

\* \* \* \*

That all the remaining territory of Virginia included between the Atlantic ocean and the southeast side of the river Ohio, and the Maryland, Pennsylvania, and North Carolina boundaries, shall be guaranteed to the commonwealth of Virginia by the said United States.

That the above cession of territory by Virginia to the United States shall be void and of none effect, unless all the states in the American Union shall ratify the articles of confederation heretofore transmitted by congress for the consideration of the said states.

Virginia having thus for the sake of the general good proposed to cede a great extent of valuable territory to the continent, it is expected in return that every other State in the Union, under similar circumstances as to vacant territory, will make similar cessions of the same to the United States for the general emolument.

—[*Hening's (Va.) Statutes at Large*, x, 564, 566.

The action of the States of New York and Virginia as recited above, so far obviated the objections of Maryland, as to secure the passage of the following act, authorizing her delegates in Congress to ratify the articles of confederation. It will be seen, however, that these delegates did not use the authority thus conferred, until the final "instrument" or deed on the part of New York, to which the "act to facilitate the completion of the articles of confederation" was preliminary, had been executed by her delegates in Congress.

PHILADELPHIA 3d February 1781.

HONORABLE GENTLEMEN :

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Amidst our many and great Embarrasments we have the satisfaction to inform you that Virginia has ceded to the united States all her Claims to the westward of the Ohio; and we are preparing to execute our powers on the same Subject. Maryland we are informed, though not officially, has acceded to the

Confederation: we believe there is no doubt of the Fact. These are Events of the utmost moment to our Independence and future Tranquility, and they are the more pleasing as our State has taken the Lead in the measures by which they have been accomplished.

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Your most obedient &

Very humble Servant

JA<sup>S</sup> DUANE

Honorable PIERRE VAN CORTLANDT Esq Lieu<sup>t</sup> Governour

Honorable EVERT BANCKER Esq<sup>r</sup> Speaker of the Assembly.

—[*N. Y. Legis. Papers (MS., in State Lib.), No. 598.*

[IN CONGRESS.]

MONDAY, *February* 12, 1781.

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The delegates for Maryland laid before Congress a certified copy of an act of the legislature of that State, which was read, as follows:

“An ACT to empower the delegates of this state in Congress to subscribe and ratify the articles of confederation.

“Whereas it hath been said that the common enemy is encouraged by this state not acceding to the confederation, to hope that the union of the sister states may be dissolved; and therefore prosecutes the war in expectation of an event so disgraceful to America; and our friends and illustrious ally are impressed with an idea that the common cause would be promoted by our formally acceding to the confederation: this general assembly, conscious that this state hath, from the commencement of the war, strenuously exerted herself in the common cause, and fully satisfied that if no formal confederation was to take place, it is the fixed determination of this state to continue her exertions to the utmost, agreeable to the faith pledged in the union; from an earnest desire to conciliate the affection of the sister states; to convince all the world of our unalterable resolution to support the independence of

the United States, and the alliance with his most Christian majesty, and to destroy forever any apprehension of our friends, or hope in our enemies, of this state being again united to Great-Britain.

“Be it enacted by the general assembly of Maryland, that the delegates of this state in Congress, or any two or three of them, shall be, and are hereby, empowered and required, on behalf of this state, to subscribe the articles of confederation and perpetual union between the States of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, signed in the general Congress of the said states by the hon. Henry Laurens, esq. their then president, and laid before the legislature of this state to be ratified if approved. And that the said articles of confederation and perpetual union, so as aforesaid subscribed, shall henceforth be ratified and become conclusive as to this state, and obligatory thereon. And it is hereby declared, that, by acceding to the said confederation, this state doth not relinquish, or intend to relinquish, any right or interest she hath, with the other united or confederated states, to the back country; but claims the same as fully as was done by the legislature of this state, in their declaration, which stands entered on the journals of Congress; this state relying on the justice of the several states hereafter, as to the said claim made by this state.

“And it is further declared, that no article in the said confederation, can or ought to bind this or any other state, to guarantee any exclusive claim of any particular state, to the soil of the said back lands, or any such claim of jurisdiction over the said lands or the inhabitants thereof.”

\* \* \* \*

THURSDAY, *February 22*, 1781.

\* \* \* \*

The delegates of Maryland having taken their seats in Congress with powers to sign the articles of confederation :

*Ordered*, That Thursday next be assigned for completing

the confederation; and that a committee of three be appointed, to consider and report a mode for announcing the same to the public: the members, Mr. Walton, Mr. Madison, Mr. Matthews.

\* \* \* \*

THURSDAY, *March 1*, 1781.

\* \* \* \*

In pursuance of the act of the legislature of the state of New-York read in Congress the 7th of March, 1780, entitled, "An act to facilitate the completion of the articles of confederation and perpetual union among the United States of America," and which is in the words following: [recited above p. 150.]

\* \* \* \*

The delegates for the State of New-York executed in Congress the following act or declaration, to wit:

"To all people who shall see these presents, we, James Duane, William Floyd, and Alexander M'Dougall, the underwritten delegates for the State of New-York in the honorable Congress of the United States of America, send greeting:

"Whereas it is stipulated as one of the conditions of the cession of territory, made for the benefit of the United States by the legislature of the state of Virginia, that the United States should guarantee to that state the boundaries reserved by her legislature for her future jurisdiction; and it would be unjust that the state of New-York, as a member of the federal union, should be compelled to guarantee the territories which shall be reserved by other states making such cessions, when her own boundaries, as they are to be limited and restricted by the act or instrument of cession now to be executed, shall not be guaranteed in the same manner; wherefore, the said delegates for the state of New-York, being uninstructed on this subject by their constituents, think it their duty to declare, and they do by this present instrument declare, that the cession of territory and restriction of boundary of the state of New-York, now to be made by them in behalf of the people of the said state, shall not be absolute; but on the contrary, shall be sub-

ject to ratification or disavowal by the people of the said state, represented in senate and assembly, at their pleasure ; unless the boundaries reserved for the future jurisdiction of the said state, by the instrument of cession now to be executed by us, shall be guaranteed by the United States, in the same manner and form as the territorial rights of the other states shall be guaranteed, which have made or may make cessions of part of their claims for the benefit of the United States ; the people of the state of New-York, on their part, submitting that any part of their limits, which are or may be claimed by any of the United States, shall be determined and adjusted in the mode prescribed for that purpose by the articles of confederation. In testimony whereof, we have hereunto set our hands and seals, in the presence of Congress, this first day of March, in the year of our Lord one thousand seven hundred and eighty-one, and of our independence the fifth.

JAMES DUANE,	L. S.
WM. FLOYD,	L. S.
ALEXANDER M'DOUGALL,	L. S."

Sealed and delivered in the presence of

CHARLES THOMSON,  
CHARLES MORSE,  
EBENEZER SMITH.

The foregoing being executed, the delegates aforesaid, in virtue of the powers vested in them by the act of their legislature above recited, proceeded and executed in due form in behalf of their State, the following instrument, viz :

"To all who shall see these presents, we, James Duane, William Floyd and Alexander M'Dougall, the underwritten delegates for the State of New-York in the honorable Congress of the United States of America, send greeting :

"Whereas by an act of the legislature of the said state of New-York, \* \* entitled "An act to facilitate the completion of the articles of confederation and perpetual union among the United States of America," it is declared, that the people of the state of New-York, were on all occasions dis-

posed to manifest their regard for their sister states, and their earnest desire to promote the general interest and security, and more especially to accelerate the federal alliance, by removing, as far as it depended upon them, the impediment to its final accomplishment, respecting the waste and uncultivated lands within the limits of certain states; \* \*

“Now therefore know ye, that we, the said James Duane, William Floyd and Alexander M'Dougall, by virtue of the power and authority, and in the execution of the trust reposed in us as aforesaid, have judged it expedient to limit and restrict, and we do by these presents, for and in behalf of the said state of New-York, limit and restrict the boundaries of the said state in the western parts thereof, with respect to the jurisdiction, as well as the right or pre-emption of soil, by the lines and in the form following, that is to say: a line from the north-east corner of the state of Pennsylvania, along the north bounds thereof to its north-west corner continued, due west until it shall be intersected by a meridian line, to be drawn from the 45th degree of north latitude, through the most westerly bent or inclination of lake Ontario; thence by the said meridian line to the 45th degree of north latitude; and thence by the said 45th degree of north latitude: but if on experiment, the above described meridian line shall not comprehend 20 miles due west from the most westerly bent or inclination of the river or strait of Niagara, then we do by these presents, in the name of the people, and for and on behalf of the state of New-York, and by virtue of the authority aforesaid, limit and restrict the boundaries of the said state in the western parts thereof, with respect to jurisdiction, as well as the right of pre-emption of soil, by the lines and in the manner following, that is to say; a line from the north-east corner of the State of Pennsylvania, [etc., as above], \* \* And we do by these presents, in the name of the people, and for and on behalf of the state of New-York, and by virtue of the power and trust committed to us by the said act and commission, cede, transfer, and forever relinquish to, and for the only use and benefit of such of the

states as are or shall become parties to the articles of confederation, all the right, title, interest, jurisdiction and claim, of the said state of New-York, to all lands and territories to the northward and westward of the boundaries, to which the said state is in manner aforesaid limited and restricted, and to be granted, disposed of, and appropriated in such manner only, as the Congress of the said United or Confederate States shall order and direct.

“In testimony whereof,” [etc, as in the foregoing declaration].

[RATIFICATION BY MARYLAND.]

According to the order of the day, the hon. John Hanson and Daniel Carroll, two of the delegates for the state of Maryland, in pursuance of the act of the legislature of that state, entitled “An act to empower the delegates of this state in Congress to subscribe and ratify the articles of confederation,” \* \* did, in behalf of the said state of Maryland, sign and ratify the said articles, by which act the confederation of the United States of America was completed, each and every of the Thirteen United States, from New-Hampshire to Georgia, both included, having adopted and confirmed, and by their delegates in Congress, ratified the same. \* \*

No allusion to the Act of Connecticut recited above on pp. 157-8, is found in the Journals of Congress, until Oct. 16, 1781, at which time “the territorial cessions of Virginia, New-York and Connecticut” together with the above mentioned memorials of J. Wilson and William Trent, were in the hands of a committee to whom the same had been recommitted.—[See also *Journals of Oct. 26, Nov. 14, 1781, April 18, 1782.*

WEDNESDAY, *May 1, 1782.*

The report of the committee, consisting of Mr. Boudinot, Mr. Varnum, Mr. Jenifer, Mr. Smith and Mr. Livermore, on the cessions of New York, Virginia and Connecticut, and the

petitions of the Indiana, Vandalia, Illinois & Wabash companies, was read, being as follows :

The committee, to whom the cessions of New-York, Virginia, Connecticut, and the petitions of the Indiana, Vandalia, Illinois and Wabash companies, were referred, do report, that having had a meeting with the agents on the part of New-York, Connecticut and Virginia, the agents for New-York and Connecticut laid before your committee their several claims to the lands said to be contained in their several states, together with vouchers to support the same ; but the delegates on the part of Virginia declining any elucidation of their claim, either to the lands ceded in the act referred to your committee, or the lands requested to be guaranteed to the said state by Congress, delivered to your committee the written paper hereto annexed and numbered twenty.

That your committee have carefully examined all the vouchers laid before them, and obtained all the information into the state of the lands mentioned in the several cessions aforesaid, and having maturely considered the same, are unanimously of opinion, and do report the following resolutions :

*Resolved*, That Congress do, in behalf of the United States, accept the cession made by the state of New-York, as contained in the instrument of writing executed for that purpose by the agents of New-York, dated the            day of            last past, and now among the files of Congress ; and that the president do take the proper measures to have the same legally authenticated, and registered in the public records of the State of New-York.

The reasons that induced your Committee to recommend the acceptance of this cession, are,

1st. It clearly appeared to your committee, that all the lands belonging to the Six Nations of Indians, and their tributaries, have been in due form put under the protection of the crown of England by the said Six Nations, as appendant to the late government of New-York, so far as respects jurisdiction only.

2d. That the citizens of the said colony of New-York have borne the burthen, both as to blood and treasure, of protecting and supporting the said Six Nations of Indians, and their tributaries, for upwards of 100 years last past, as the dependants and allies of the said government.

3d. That the crown of England has always considered and treated the country of the said Six Nations, and their tributaries, inhabiting as far as the 45th degree of north latitude, as appendant to the government of New-York.

4th. That the neighboring colonies of Massachusetts, Connecticut, Pennsylvania, Maryland and Virginia, have also, from time to time, by their public acts, recognized and admitted the said Six Nations, and their tributaries, to be appendant to the government of New York.

5th. That by Congress accepting this cession, the jurisdiction of the whole western territory belonging to the Six Nations and their tributaries, will be vested in the United States, greatly to the advantage of the Union.

*Resolved*, That Congress do earnestly recommend to the states of Massachusetts and Connecticut, that they do without delay release to the United States in Congress assembled, all claims and pretensions of claim to the said western territory, without any conditions or restrictions whatever.

*Resolved*, That Congress cannot, consistent with the interests of the United States, the duty they owe to their constituents, or the rights necessarily vested in them as the sovereign power of the United States, accept of the cession proposed to be made by the State of Virginia, or guarantee the tract of country claimed by them in their act of cession referred to your committee.

#### REASONS.

1st. It appeared to your committee from the vouchers laid before them, that all the lands ceded or pretended to be ceded to the United States by the state of Virginia, are within the claims of the States of Massachusetts, Connecticut and New-York, being part of the lands belonging to the said Six Nations of Indians and their tributaries.

2d. It appeared that great part of the lands claimed by the state of Virginia and requested to be guaranteed to them by Congress, is also within the claim of the state of New-York, being also a part of the country of the said Six Nations and their tributaries.

3d. It also appeared that a large part of the lands last aforesaid are to the westward of the west boundary line of the late colony of Virginia, as established by the king of Great-Britain, in council, previous to the present revolution.

4th. It appeared that a large tract of said lands hath been legally and equitably sold and conveyed away under the government of Great-Britain, before the declaration of independence, by persons claiming the absolute property thereof.

5th. It appeared that in the year 1763, a very large part thereof was separated and appointed for a distinct government and colony by the King of Great-Britain, with the knowledge and approbation of the government of Virginia.

6th. The conditions annexed to the said cession are incompatible with the honor, interests and peace of the United States, and therefore, in the opinion of your committee, altogether inadmissible.

*Resolved*, That it be earnestly recommended to the State of Virginia, as they value the peace, welfare and increase of the United States, that they re-consider their said act of cession, and by a proper act for that purpose, cede to the United States all claims and pretension of claim to the lands and country beyond a reasonable western boundary, consistent with their former acts while a colony under the power of Great-Britain, and agreeable to their just rights of soil and jurisdiction at the commencement of the present war, and that free from any conditions and restrictions whatever.

Your committee farther report, that they have had a conference with the agents for the several petitioners, calling themselves the Indiana, Vandalia, Illinois and Wabash companies, and also of colonel Croghan, and have seen and carefully examined their several vouchers and deeds; to which conference your committee invited the delegates for Connecticut,

New-York and Virginia, but the delegates for Virginia refused to attend.

\*                      \*                      \*                      \*

THURSDAY, *September 5, 1782.*

\*                      \*                      \*                      \*

The order of the day being called for, to take into further consideration the report of the grand committee, and the following proposition, part of the report, being under debate, viz.

“That it is their opinion that the western lands, if ceded to the United States, might contribute towards a fund for paying the debt of these states.”

A motion was made by Mr. Bland, seconded by Mr. Lee [both of Virginia], to add, “and therefore resolved, that Congress do accept the cession of territory made to them, by the state of Virginia, by their act bearing date the 2d of January, 1781, by the state of New-York on the 1st of March, 1781, and by the state of Connecticut in October, 1780, with the conditions therein named.”

This amendment being objected to as out of order, and the debate turning on a question of order:

A motion was made by Mr. Duane [of New-York], seconded by Mr. M’Kean [of Delaware], “that the further consideration of the report of the grand committee be postponed till to-morrow,”

\*                      \*                      \*                      \*

So it was resolved in the affirmative.

FRIDAY, *September 6, 1782.*

\*                      \*                      \*                      \*

Congress resumed the consideration of the report of the grand committee, and the following paragraph being read:

“That it is their opinion that the western lands, if ceded to the United States, might contribute to a fund for paying the debts of these states.”

A motion was made by Mr. Rutledge [of S. Carolina], seconded by Mr. Lee, to amend it, by inserting after “United States,” the following words, “by the several states to which they belong.”

A motion was made by Mr. Dyer [of Conn.], seconded by Mr. M'Kean, to amend the amendment, by striking out the words "to which they belong," and in lieu thereof, inserting "claiming the same."

A motion was then made by Mr. Witherspoon [of N. Jersey], seconded by Mr. Howell [of R. Island], to postpone the consideration of the paragraph with the amendments, and to take into consideration the following set of resolutions:

"That if the several states claiming the exclusive property of the western lands, would make cessions of them to the United States, agreeably to the recommendation of Congress of the 6th of September and the resolution of the 10th of October, 1780, it would be an important fund for the discharge of the national debt:

That, therefore, it be recommended to those states which have made no cessions, as soon as possible to take the above recommendation into consideration and determine thereon:

That it be recommended to those states which have [made] cessions not entirely agreeably to the above recommendation to reconsider them, and send the result to the United States in Congress assembled:

That in case of a compliance with the above recommendation, no determinations of the particular states relating to private property of lands within those cessions, shall be reversed or altered without their consent, unless in such cases as the 9th article of the confederation shall render it necessary."

\* \* \* \*

So it was resolved in the affirmative.

The resolutions being then read: on motion of Mr. Clark [of N. Jersey],

*Ordered*, That they be referred to a committee of five.

WEDNESDAY, *September* 25, 1782.

Congress took into consideration the report of a committee, consisting of Mr. Witherspoon, Mr. Madison, Mr. Rutledge, Mr. Osgood, and Mr. Montgomery, to whom was referred a set of resolutions moved by Mr. Witherspoon:

The report is as follows [see Journal of September 6th, above].

A motion was made by Mr. Clark, seconded by Mr. Condict [both of New Jersey], to strike out the last paragraph.

And on the question, shall the last or fourth paragraph of the report stand ?      \*                              \*                              \*

So it passed in the negative.

“On the question to agree to the report as amended, the yeas and nays being required by Mr. Clark,” Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, and Maryland voted *ay*; Virginia, North Carolina, South Carolina and Georgia, *no*.

So the question was lost.

TUESDAY *October 29, 1782.*

\*                              \*                              \*                              \*

On a motion made by the delegates of Maryland,

*Resolved*, That Congress do, in behalf of the United States, accept all the right, title, interest, jurisdiction and claim of the state of New-York, as ceded by and contained in the instrument of writing executed for that purpose by the agents of New-York, dated the first of March, 1781.<sup>1</sup>

On the question to agree to this, the yeas and nays being required by Mr. Carroll [of Maryland]

<i>Massachusetts</i> .....	Mr. Osgood.....	no	} *
<i>Rhode-Island</i> .....	Mr. Arnold.....	ay	
	Mr. Howell.....	ay	} ay
<i>Connecticut</i> .....	Mr. Huntington...	ay	
	Mr. Dyer .....	ay	} ay
<i>New-York</i> .....	Mr. Duane .....	ay	
	Mr. L'Hommedieu.	ay	} ay
<i>New-Jersey</i> .....	Mr. Boudinot.....	ay	
	Mr. Witherspoon..	ay	} ay

<sup>1</sup>For a certified copy of this resolution, see *N. Y. Legis. Papers (MS., in State Library)*, No. 604.

<i>Pennsylvania</i> .....	Mr. Smith.....	ay	} ay
	Mr. Clymer.....	ay	
<i>Delaware</i> .....	Mr. M'Kean.....	ay	} ay
	Mr. Dickinson.....	ay	
	Mr. Wharton .....	ay	
<i>Maryland</i> .....	Mr. Hanson.....	ay	} ay
	Mr. Carroll.....	ay	
	Mr. Hemsley.....	ay	
<i>Virginia</i> .....	Mr. Madison.....	no	} no
	Mr. Bland.....	no	
<i>N.-Carolina</i> .....	Mr. Williamson ...	ay	} div.
	Mr. Blount.....	no	
<i>S.-Carolina</i> .....	Mr. Rutledge.....	no	} div.
	Mr. Ramsay.....	ay	
	Mr. Izard.....	ay	
	Mr. Gervais.....	no	

So it was resolved in the affirmative.

WEDNESDAY, *October* 30, 1782

A motion was made by Mr. Williamson [of North Carolina], seconded by Mr. Bland [of Virginia],

“That it be resolved, that nothing in the resolve passed yesterday, be understood to operate towards preventing the determination of any dispute that has arisen or may arise concerning territory, between the state of New-York and any other state or states in the union, by the 9th article of the confederation, in the same manner as if the cession had not been made.”

A motion was made by Mr. M'Kean, seconded by Mr. Howell, that the motion be postponed.

And on the question for postponing, the yeas and nays being required by Mr. Bland,

The vote stood as before with the following exceptions:

<i>Massachusetts</i> .....	Mr. Osgood.....	ay	} div.
<i>New Jersey</i> .....	Mr. Boudinot.....	ay	
	Mr. Witherspoon..	no	

<i>Delaware</i> .....	Mr. M <sup>c</sup> Kean.....	ay	} div.
	Mr. Dickinson ....	no	
<i>Virginia</i> .....	Mr. Madison.....	ay	} div.
	Mr. Bland.....	no	
<i>N.-Carolina</i> .....	Mr. Williamson ...	no	} no
	Mr. Blount.....	no	
<i>S.-Carolina</i> .....	Mr. Rutledge.....	no	} no
	Mr. Ramsay .....	no	
	Mr. Izard.....	no	
	Mr. Gervais.....	no	
<i>Georgia</i> .....	Mr. N. W. Jones...	no	*

Only six of the thirteen states voted *ay*. "So the question was lost."

On the question to agree to the main question, the yeas and nays being required by Mr. Williamson,

The vote stood as on the question to accept the cession made by New York, with the following exceptions:

<i>Rhode Island</i> .....	[both members]...	no	
<i>Pennsylvania</i> .....	Mr. Smith.....	no	} div.
	Mr. Clymer.....	ay	
<i>Virginia</i> .....	Mr. Madison.....	no	} div.
	Mr. Bland.....	ay	
<i>North Carolina</i> .....	Mr. Williamson ...	ay	} ay
	Mr. Blount.....	ay	
<i>Georgia</i> .....	Mr. N. W. Jones..	no	*

Only six of the thirteen states voted *ay*. "So the question was lost."

\*                      \*                      \*                      \*

THURSDAY, *January* 30, 1783.

The committee to whom were referred the memorials of the representatives of Pennsylvania of the 28th of August and 12th of November last [stating that their constituents labour under grievances, because they are not enabled to settle their

accounts against the United States], reported an answer, which was agreed to, and which contains the following allusion to the subject of Western lands:

\* \* \* \*

Among the steps taken by Congress to secure the debts incurred by the common defence, they must not omit to mention the recommendation of the 6th of September, 1780, for a cession of part of the western territory, claimed by particular states. In consequence thereof, New-York has made a cession accepted by Congress, the nature of which will appear by the act herewith communicated.

Virginia and Connecticut have also made cessions, the acceptance of which have been hitherto delayed by peculiar circumstances. Other states, claiming western territory, have not yet complied with the recommendation. Congress cannot help calling the serious attention of the legislature of Pennsylvania to that subject, which they consider as of importance, not only as it may affect the public credit, but as it will contribute to give general satisfaction to the members of the union. They intend also to renew their instances with the other states on the same occasion.

FRIDAY, *April* 18, 1783.

The report of a committee “appointed to consider the means of restoring and supporting public credit, and of obtaining from the States substantial funds for funding the whole debt of the United States,” the said report having been first submitted on the 20th day of March, last preceding, and being at this time under consideration, it was

[*Resolved*], That as a further mean, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States, it be recommended to the states which have passed no acts towards complying with the resolutions of Congress of the 6th of September and 10th of October, 1780, relative to territorial cessions, to make the liberal cessions therein recommended; and to the states which may have passed

acts complying with the said resolutions in part only, to revise and complete such compliance.

THURSDAY, *April 24*, 1783.

\* \* \* \*

The committee consisting of Mr. Madison, Mr. Ellsworth and Mr. Hamilton, appointed to prepare an address to the states, to accompany the act of the 18th of this month, reported a draught, which being read and amended, was agreed to as follows:

\* \* \* \*

Thus much for the interest of the national debt: for the discharge of the principal within the term limited, we rely on the natural increase of the revenue from commerce, on requisitions to be made, from time to time, for that purpose, as circumstances may dictate, and on the prospect of vacant territory.

\* \* \* \*

With a view to the resource last mentioned, as well as to obviate disagreeable controversies and confusions, Congress have included in their present recommendations, a renewal of those of the 6th day of September, and of the 10th day of October, 1780. In both these respects, a liberal and final accommodation of all interfering claims of vacant territory, is an object which cannot be pressed with too much solicitude.

\* \* \* \*

WEDNESDAY, *June 4*, 1783.

The committee \* \* to whom was referred a motion of Mr. Bland, for accepting the cession of territory made by the legislature of the commonwealth of Virginia, on the 2d day of January, 1781, report, that in their opinion, it will be proper for Congress to proceed to a determination on the report of the 3d of November, 1781, and which is entered on the journal of the 1st of May, 1782, respecting the cession from the State of Virginia, and that a decision upon the said motion be postponed until that report shall be taken into consideration; Whereupon,

Congress resumed the consideration of the report of the committee of the 3d of November, 1781, and after debate,

*Ordered*, That so much thereof as relates to the cession made by the commonwealth of Virginia, \* \* be referred to a committee of five members.

\* \* \*

FRIDAY, June 20, 1783.

\* \* \*

Congress took into consideration the report of the committee \* \* to whom were referred the act of the legislature of Virginia, of the 2d of January, 1781, and the reports thereon, and a motion of Mr. Bland for accepting the cession made in the said act.

\* \* \*

“The report being farther debated, and some amendments made, the delegates for New Jersey laid before Congress a representation and remonstrance of the legislative council and general assembly of the state of New-Jersey,” of which the following are extracts :

*To the United States in Congress Assembled.*

The representation and remonstrance of the legislative council [etc.], sheweth.

That the legislature of this state is informed, that the important subject of the western, or what is commonly called crown lands, is soon to be re-considered and finally determined by Congress, especially as far as relates to the cession made by the legislature of the state of Virginia, in January, 1781, of a part of the western country or vacant territory.

The legislature cannot but express their surprise on hearing that the consideration of the subject is resumed by Congress so speedily after its last discussion, as appears by an act of Congress of the 18th of April last past. \* \* \*

Which said act has been officially laid before us during the present sitting, and appears designed by Congress to be transmitted to every state in the Union, not only to the legislatures thereof, but to the people at large: the legislature of this state

must be of opinion, that the latter part of the said recommendation of Congress was expressly applicable to the act of the legislature of the commonwealth of Virginia, as the cession thereby made has heretofore been deemed by Congress, a partial one, and by this state partial, unjust and illiberal.

The legislature, to avoid unnecessary repetition, beg leave in the most earnest manner, to call the attention of Congress to the records in their possession of the proceedings of the legislature of this state with regard to the present subject, beginning with their representation of the 16th of June, 1778, and at different periods since, in which are fully contained the just and uncontrovertible claims of this state to its full proportion of all vacant territory.

It is particularly disagreeable to have occasion to trouble Congress with so many applications on this head, but the importance of the subject \* \* must be our apology.

\* \* \* \*

They do therefore express their dissatisfaction with the cession of western territory made by the State of Virginia, in January, 1781, as being far short of affording that justice which is equally due to the United States at large, and request that Congress will not accept of the said cession, but that they will press upon the said state to make a more liberal surrender of that territory of which they claim so boundless a proportion.

\* \* \* \*

THURSDAY, *September 11*, and

SATURDAY, *September 13*, 1783.

Congress resumed the consideration of the report of the committee on the cession of Virginia, which after debate was amended, and made to contain the following concluding paragraph :

As to the last condition [8. That all the remaining territory of Virginia, included between the Atlantic ocean and the south-east side of the river Ohio, and the Maryland, Pennsylvania and North-Carolina boundaries, should be guaranteed to the commonwealth of Virginia, by the United States.], your

committee are of opinion, that Congress cannot agree to guarantee to the commonwealth of Virginia, the land described in the said condition, without entering into a discussion of the right of the state of Virginia to the said land; and that by the acts of Congress it appears to have been their intention, which the committee cannot but approve, to avoid all discussion of the territorial rights of individual states, and only to recommend and accept a cession of their claims whatsoever they might be, to vacant territory. Your committee conceive this condition of a guarantee, to be either unnecessary or unreasonable; inasmuch as, if the land above-mentioned is really the property of the state of Virginia, it is sufficiently secured by the confederation, and if it is not the property of that state, there is no reason or consideration for such guarantee.

Your committee therefore upon the whole recommend, that if the legislature of Virginia make a cession conformable to this report, Congress accept such cession.

On the question to agree to this report, all the states voting *ay*, except New Hampshire [not represented by a quorum], New Jersey and Maryland, it was resolved in the affirmative.

#### CESSION BY VIRGINIA.

*An act to authorize the delegates of this State in Congress, to convey to the United States, in congress assembled, all the right of this commonwealth to the territory north westward of the river Ohio.* [Passed at a session beginning October 20, 1783.]

I. Whereas [the recommendation of Congress of Sept 6, 1780, is here recited].

II. And Whereas [the cession on the part of Virginia of Jan. 2, 1781, is here referred to].

III. And whereas the United States in congress assembled, have by their act of the thirteenth of September last, stipulated the terms on which they agree to accept the cession of this state, should the legislature approve thereof, which terms,

although they do not come fully up to the propositions of this commonwealth, are conceived on the whole, to approach so nearly to them, as to induce this state to accept thereof, in full confidence that congress will, in justice to this state for the liberal cession she hath made, earnestly press upon the other states claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal for the common benefit and support of the union: *Be it enacted by the General Assembly*, That it shall and may be lawful for the delegates of this state to the Congress of the United States, \* \* to convey \* \* unto the United States in congress assembled, for the benefit of the said states, all right, title, and claim, as well of soil as jurisdiction, which this commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being to the north-west of the river Ohio, subject to the terms and conditions contained in the before recited act of congress of the thirteenth day of September last, that is to say: Upon condition that the territory so ceded shall be laid out and formed into states, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; and that the states so formed, shall be distinct republican states, and admitted members of the federal union, having the same rights of sovereignty, freedom, and independence, as the other states; \* \* That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the confederation or foederal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other purpose or use whatsoever. \* \*

—[*Hening's Statutes*, xi, 326–328.]

[IN CONGRESS.]

MONDAY, *March 1*, 1784.

\* \* \* \*

A motion was made by Mr. Howell [of Rhode Island], seconded by Mr. Spaight [of North Carolina],

Whereas the general assembly of Virginia at their session, commencing on the 20th day of October, 1783, passed an act to authorize their delegates in Congress to convey to the United States in Congress assembled, all the right of that commonwealth, to the territory north-westward of the river Ohio: And whereas the delegates of the said commonwealth, have presented to Congress the form of a deed proposed to be executed pursuant to the said act \* \* \*

*Resolved*, That the United States in Congress assembled, are ready to receive this deed, whenever the delegates of the state of Virginia are ready to execute the same.

\* \* \* \*

The delegates of Virginia then proceeded, and signed, sealed and delivered the said deed; Whereupon Congress came to the following resolution:

The delegates of the commonwealth of Virginia having executed the deed:

*Resolved*, That the same be recorded and enrolled among the acts of the United States in Congress assembled.

THURSDAY, *April 29*, 1784.

Congress took into consideration the report of a grand committee, to whom was referred the report of a committee on the subject of western territory, \* \* \*

The report being amended, was agreed to as follows:

Congress, by their resolution of September 6, 1780, having thought it advisable to press upon the states having claims to the western country, a liberal surrender of a portion of their territorial claims; by that of the 10th of October, in the same year, having fixed conditions to which the union should be bound on receiving such cessions: and having again proposed the same subject to those states, in their address of April 18th,

1783, wherein stating the national debt, and expressing their reliance for its discharge, on the prospect of vacant territory, in aid of other resources, they, for that purpose, as well as to obviate disagreeable controversies and confusions, included in the same recommendations, a renewal of those of September 6th and October the 10th, 1780; which several recommendations have not yet been complied with;

*Resolved*, That the same subject be again presented to the attention of the said states; that they be urged to consider that the war being now brought to a happy termination by the personal services of our soldiers, the supplies of property by our citizens, and loans of money from them as well as from foreigners; these several creditors have a right to expect that funds shall be provided on which they may rely for the indemnification; that Congress still consider vacant territory as an important resource: and that therefore the said states be earnestly pressed, by immediate and liberal cessions, to forward these necessary ends, and to promote the harmony of the union.

CHARLES DE WITT to GOVERNOR CLINTON.

ANNAPOLIS *June 4, 1784.*

SIR.

I take this opportunity to acquaint your Excellency that Congress adjourned last night at near eleven o'clock in C—f—sion.

Mr. Paine will some days hence be with you, who will give every necessary information. I am appointed one of the Committee of the States, but I shall not stay many Days after Mr. Paines departure, expecting that Gen<sup>l</sup> McDougall or some other Delegate will take my place. I hope the Legislature have taken every precaution respecting the W— Territory. I believe Sir a Plan is formed and perhaps wrought into System to take that Country from us. Massachusetts Delegates have put in a petition yesterday from the Legislature of that State setting forth that New York is possessed of a part of their Land and requested a Court agreeably to the Confederation for a Decision &c, &c. I shall bring with me a Copy thereof,

but my fears are not so great from this quarter than from a quarter which I do not know how to name. I shall postpone it to a future Day. The whole world seem to look on that W— Country with a wishful eye, and I fear they will go farther to obtain it, than is consistent with the peace of the Union. I hope however that New York will collect all its wisdom and take such decided and spirited steps as may counteract every unlawful attempt in the State, which if they do not it is lost. I do not even trust C——ss. I may be too suspicious but I believe it will be found to be so at last. I am

Sir Your Excellencys

Most Obedent Serv<sup>t</sup>

CH. D. WITT

His Excellency

Governor CLINTON.

—[*Clinton Papers (MS., in N. Y. State Lib.), No. 5446.*

CESSION BY MASSACHUSETTS.

An Act empowering the Delegates of the Commonwealth, in the United States in Congress assembled, to relinquish to the United States certain Lands, the Property of this Commonwealth.

[Passed November 13, 1784.]

Whereas several of the States in the Union have at present no interest in the great and extensive tract of uncultivated country, lying in the westerly part of the United States, and it may be reasonable that the States abovementioned should be interested in the aforesaid country :

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the delegates of this Commonwealth, in the United States in Congress assembled, or any three of the said delegates, be, and they hereby are authorized and empowered, for and in behalf of this Commonwealth, to cede or relinquish, by authentick conveyance or conveyances, to the United States, to be disposed of for the common benefit of the same, agreeably to a Resolve of Congress of *October* the tenth, one thou-

sand seven hundred and eighty, such part of that tract of land belonging to this Commonwealth, which lies between the rivers *Hudson* and *Mississippi*, as they may think proper; and to make the said cession in such manner and on such conditions as shall appear to them to be most suitable.

— [*Laws of Mass. (Boston, 1807, 8°)*, i, 215.

The above act was amended on the 17th day of March 1785, so far as to allow two delegates “to do and perform all matters and things which by the Act aforesaid might be done and performed by any three delegates,” etc.

— [*Idem*, i, 241.

[IN CONGRESS.]

MONDAY, *April 18, 1785.*

On the report of a committee, \* \* to whom was referred a motion of the delegates of Massachusetts, relative of a cession of part of that state’s claims to western territory.

*Resolved*, That Congress, in behalf of the United States, are ready to accept all the right, title, interest, jurisdiction and claim of the state of Massachusetts to certain western lands described in the form of a deed or cession, \* \* \*

On the question to agree to the above resolution all the members present, except Mr. Melancthon Smith of New York, voted *ay*.

TUESDAY, *April 19, 1785.*

\* \* \* \*

A motion was made by Mr. Howell, \* \* as follows:

The delegates for Massachusetts having proceeded to execute the deed of cession mentioned in the resolution of yesterday, in the words following, viz.:

\* \* \* \*

*Resolved*, That Congress accept said deed of cession; and that the same be recorded and enrolled among the acts of the United States in Congress assembled.

The resolution passed, only Mr. Melancthon Smith of New York dissenting.

The deed of cession is in the words following :

To all who shall see these presents, \* \* greeting :

Whereas the general court of Massachusetts, on the 13th day of November, in the year of our Lord 1784, passed an act, \* \* in the words following : [see the said act recited on pp. 183, 184, together with the supplementary act of March 17, 1785, also before cited, p. 184.]

\* \* \* \*

Now therefore, know ye, that we, the said Samuel Holten and Rufus King, by virtue of the power and authority to us committed by the said acts of the general court of Massachusetts before recited, in the name, and for and on behalf of the said commonwealth of Massachusetts, do by these presents, assign, transfer, quit claim, cede and convey to the United States of America, for their benefit, Massachusetts inclusive, all right, title and estate of and in as well the soil as the jurisdiction, which the said commonwealth hath to the territory or tract of country within the limits of the Massachusetts charter, situate and lying west of the following line : That is to say, a meridian line to be drawn from the 45th degree of north latitude, through the westerly bent or inclination of lake Ontario, thence by the said meridian line, to the most southerly side line of the territory contained in the Massachusetts charter ; but if, on experiment, the above described meridian line, shall not comprehend 20 miles due west, from the most westerly bent or inclination of the river or strait of Niagara, then we do by these presents \* \* transfer, \* \* all right, \* \* which the said commonwealth hath to the territory \* \* west of the following line : That is to say, a meridian line to be drawn from the 45th degree of north latitude, through a point 20 miles due west from the most westerly bent or inclination of the river or strait of Niagara ; thence by the said meridian line to the most southerly side line of the territory contained in the Massachusetts charter aforesaid. \* \*

In testimony whereof, \* \* \*

S. HOLTEN.  
RUFUS KING.

On the 2d day of June, 1784, the State of North Carolina passed an act entitled "An Act ceding to the Congress of the United States certain Western Lands therein described, and authorizing the Delegates from this State in Congress to execute a Deed or Deeds for the same." This act was repealed on the 20th of November, 1784, and has not been preserved in any edition of the Laws of North Carolina to which we have had access. The Act, Chap. XII, of the same session, however, shows that the act of cession included "all the territory which belonged to this State lying West of the *Apalachian* or *Alleghany* mountains."

The before mentioned act of November 20, repealing the act of cession passed June 2, 1784, is in the words following:

I. WHEREAS at the last General Assembly begun and held at *Hillsborough* on the 19th day of *April* last, an Act was passed ceding to the Congress of the United States certain Western Lands therein described, and authorizing the Delegates from this State in Congress to execute a Deed or Deeds for the same, which Territory when ceded was to be considered as a common Fund for the Use and Benefit of such of the United *American* States as now are, or shall become Members of the Confederation or Fœderal Alliance: And whereas the Cession so intended was made in full Confidence that the whole Expence of the *Indian* Expeditions and Militia Aids to the State of *South-Carolina* and *Georgia* should pass to Account in our Quota of the continental Expences incurred by the late War: And also that the other States holding Western Territory would make similar Cessions, and that all the States would unanimously grant Imposts of five *per Cent.* as a common Fund for the Discharge of the fœderal Debt: And whereas the States of *Massachusetts* and *Connecticut*, after accepting the Cession of *New-York* and *Virginia*, have since put in Claims for the whole or a large Part of that Territory, and all the above

expected Measures for constituting a substantial common Fund, have been either frustrated or delayed :

II. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by Authority of the same, That an Act of the last General Assembly, entitled, An Act ceding to the Congress of the United States certain Western Lands therein described, and authorizing the Delegates from this State to execute a Deed or Deeds for the same, shall be and the same is hereby repealed, and every Clause and Article thereof declared null and void to all Intents and Purposes as if the same had never been made.*

— [*Iredell's Laws of N. C.*, p. 537.

[IN CONGRESS.]

MONDAY, May 23, 1785.

The following preamble and resolution was adopted as the result of a debate upon the report of a committee appointed to examine the acts of the State of North Carolina, touching a cession of the western territory ; this report having been made on the preceding day :

As the state of New-York, the commonwealth of Virginia and the commonwealth of Massachusetts, have each made a cession of western territory to the United States ; and Congress are ever disposed to attend to the reasonable expectations of each of the states of the union, touching their public services and expenses,

*Resolved*, That it be, and it is hereby recommended to the State of North-Carolina to re-consider the principles of magnanimity and justice, that induced the passing of their act of 2d of June, 1784, and evince the operation of the same good sentiments by repealing their act of 20th day of November, 1784, and directing their delegates in Congress to furnish a new proof of their liberality, in the execution of a deed to the United States of the territory ceded by the act of the 2d of June aforesaid.

SATURDAY, September 24, 1785.

“The grand committee, to whom was re-committed a report

on the subject of supplies for the year 1785," submitted a report of which the following was the concluding paragraph; the portion in brackets being omitted in the report as finally adopted on the twenty-sixth of the same month.

As a motive for the cheerful payment of the sum now called for, as well as of the arrearages on that of April 27, 1784, the committee are of opinion, that the states be reminded, that Congress have passed an ordinance for the survey and sale of the western territory of the United States, and that the proceeds thereof will be applied as a sinking fund, to extinguish the principal of the domestic debt. Future requisitions for interest on the domestic debt, will therefore be reduced in proportion as this fund may be rendered productive. [And while on this subject, the committee cannot forbear mentioning that of the States claiming western territory, Massachusetts alone has made the expected cession during the last year, they are therefore of opinion, that the subject be again presented to the attention of the states which have not complied with so reasonable a proposition; and that they be once more solicited to consider with candour and liberality, the expectations of their sister states, and the earnest and repeated applications made to them by Congress on this subject.]

MONDAY, *May* 22, 1786.

Congress resumed the consideration of the report of a committee, to whom had been referred a motion of the delegates of the State of Connecticut, relative to a cession of part of that State's claim to western territory. The report was debated on successive days, and the following resolution was finally adopted, Maryland and Virginia voting *no*.

FRIDAY, *May* 26, 1786.

On motion of Mr. Johnson, seconded by Mr. Mitchell [both of Connecticut],

*Resolved*, That Congress, in behalf of the United States, are ready to accept all the right, title, interest, jurisdiction and

claim of the state of Connecticut to certain western lands, beginning at the completion of the 41st degree of north latitude, 120 miles west of the western boundary line of the commonwealth of Pennsylvania, as now claimed by the said commonwealth, and from thence by a line to be drawn north parallel to, and 120 miles west of the said west line of Pennsylvania, and to continue north until it comes to 42 degrees 2 minutes north latitude, whenever the delegates of Connecticut shall be furnished with full powers, and shall execute a deed for that purpose.

FRIDAY, *July 7*, 1786.

Congress took into consideration the report of a grand committee, to whom among other things, was referred a motion of Mr. Monroe, respecting the cessions of western territory, and forming the same into states.       \*               \*               \*

The following resolution was adopted:

*Resolved*, That it be, and it hereby is recommended to the legislature of Virginia, to take into consideration their act of cession and revise the same, so far as to empower the United States in Congress assembled, to make such a division of the territory of the United States lying northerly and westerly of the river Ohio, into distinct republican states, not more than five nor less than three, as the situation of that country and future circumstances may require; which states shall hereafter become members of the federal union, and have the same rights of sovereignty, freedom and independence as the original states, in conformity with the resolution of Congress of the 10th October, 1780.

GENERAL WASHINGTON TO WM. GRAYSON, IN CONGRESS.

MT VERNON, 26 *July*, 1786.

\*                       \*                       \*                       \*

For want, I suppose, of a competent knowledge of the Connecticut claim to western territory, the compromise which is made with her appears to me to be a disadvantageous one for the Union, and, if her right is not one of the motives (accord-

ing to your account) for yielding to it, in my humble opinion, is exceedingly dangerous and bad.<sup>1</sup>      \*      \*      \*

—[*Sparks' Writings of Washington*, ix, 178.

[IN CONGRESS.]

WEDNESDAY, *August 9, 1786.*

\*                      \*                      \*                      \*

On motion of Mr. Pinckney, seconded by Mr. Lee,

Whereas the states of Massachusetts, Connecticut, New-York and Virginia, have, in consequence of the recommendation of Congress of the 6th day of September, 1780, made cessions of their claims to western territory, to the United States in Congress assembled, for the use of the United States,

*Resolved*, That the said subject be again presented to the view of the states of North-Carolina, South-Carolina and Georgia, who have not complied with so reasonable a proposition; and that they be once more solicited to consider with candour and liberality the expectations of their sister states, and the earnest and repeated applications made to them by Congress on this subject.

\*                      \*                      \*                      \*

THURSDAY, *September 14, 1786.*

\*                      \*                      \*                      \*

The committee, \* \* to whom was referred the draught of a deed offered by the delegates of Connecticut, grounded on an act of the legislature of the said state, having reported "that the deed offered, is in conformity with the act of Congress of the 26th day of May last" and the delegates for Connecticut having thereupon proceeded and executed a deed of cession, agreeable to the resolution of the 26th May last, in the words following,      \*      \*      \*

<sup>1</sup>Alluding to the tract of country usually called the Connecticut Reserve, making a part of the state of Ohio, and situate on the south side of Lake Erie.

\* \* Speaking of the measure as acceded to by Congress, Mr. Grayson said; "The consequence I apprehend is a clear loss of about six millions of acres to the United States, which had already been ceded by Virginia and New York.      \*      \*      \*      \*

On motion, *Resolved*, That Congress accept the said deed of cession, and that the same be recorded and enrolled among the acts of the United States in Congress assembled.

\* \* \* \*

CESSION BY SOUTH CAROLINA.

AN ACT *to authorize the delegates of this State in Congress to convey to the United States in Congress assembled, all the rights of this State to the territory herein described ;*

[Passed March 8, 1787.]

WHEREAS, the Congress of the United States did, on the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several States in the Union having claim to western territory to make a liberal cession to the United States of a portion of their respective claims, for the common benefit of the Union ; and whereas, this State is willing to adopt every measure which can tend to promote the honor and dignity of the United States, and strengthen their federal union ;

I. *Be it therefore enacted* by the honorable the Senate and House of Representatives, in General Assembly met and sitting, and by the authority thereof, That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, \* \* to convey \* \* unto the United States in Congress assembled, for the benefit of the said States, all right, title, and claim, as well of soil as jurisdiction, which this State hath to the territory or tract of country within the limits of the charter of South Carolina, situate, lying, and being within the boundaries and lines hereinafter described, that is to say, all the territory or tract of country included within the river Mississippi and a line beginning at that part of the said river which is intersected by the southern boundary line of the State of North Carolina, and continuing along the said boundary line until it intersects the ridge or chain of mountains which divides the eastern from the western waters, then to be continued along the top of the said ridge of mountains, until it

intersects a line to be drawn due west from the head of the southern branch of Tugoloo river, to the said mountains, and thence to run a due west course to the river Mississippi.

—[*Statutes at Large of South Carolina*, v, 5.

[IN CONGRESS.]

THURSDAY, *August 9, 1787.*

\* \* \* \*

The delegates from South Carolina having laid before Congress, an act of the legislature of that state, empowering the delegates thereof to cede to the United States the claim of the said state to a certain tract of western territory; and the said delegates having presented to Congress a draught of a deed which they were ready to sign, in compliance with the said act, provided Congress are willing to accept the said cession.

*Resolved*, That Congress are ready to accept the cession of the claim of the state of South-Carolina \* \* whenever the delegates will execute a deed conformable to the said act.

\* \* \* \*

On the same day, the delegates of the State of South Carolina, executed a deed in accordance with the terms of the act above recited.

SATURDAY, *October 20, 1787.*

\* \* \* \*

On the report of a committee \* \* to whom was referred a motion for a representation to the states of North-Carolina and Georgia, on the subject of surrendering a liberal portion of their territorial claims,

*Resolved*, That it be, and it is hereby represented to the states of North-Carolina and Georgia, that the lands which have been ceded by the other states, in compliance with the recommendation of this body, are now selling in large quantities for public securities; that the deeds of cession from the different states have been made without annexing an express condition that they should not operate until the other states,

under like circumstances, made similar cessions ; and that Congress have such faith in the justice and magnanimity of the states of North-Carolina and Georgia, that they only think it necessary to call their attention to these circumstances, not doubting but upon consideration of the subject, they will feel those obligations which will induce similar cessions, and justify that confidence which has been placed in them.

\* \* \* \*

TUESDAY, *July 15*, 1788.

\* \* \* \*

“The committee \* \* to whom was re-committed their report on a motion of the delegates of Georgia, and an act of the legislature of that state, passed February 1st, 1788, for ceding a part of the territorial claims of the said state to the United States,” reported that \* \* “the committee having fully considered the subject referred to them, are of opinion, that the cession offered by the state of Georgia cannot be accepted on the terms proposed,” \* \* and it was

“*Resolved*, That Congress agree to the said report.”

The act of the Georgia legislature, above referred to having become inoperative, is not retained in any of the Collections of Statutes to which we have had access, but its substance is embodied in the report of the committee as given in the Journals of Congress. No further action was taken on the subject until the year 1798, which will be hereafter recited in its chronological order.

#### CESSION BY NORTH CAROLINA.

*An Act for the purpose of ceding to the United States of America, certain Western Lands therein described.*

[Passed at the session begun November 2, 1789.]

WHEREAS the United States in Congress assembled, have repeatedly and earnestly recommended to the several States in

the Union, claiming or owning vacant Western Territory, to make Cessions of Part of the same, as a further Means, as well of hastening the Extinguishment of the Debts, as of establishing the Harmony of the United States; and the Inhabitants of the said Western Territory being also desirous that such Cession should be made, in order to obtain a more ample Protection than they have heretofore received: Now this State being ever desirous of doing ample Justice to the public Creditors, as well as the establishing the Harmony of the United States, and complying with the reasonable Desires of her Citizens:

I. BE it enacted \* \* That the Senators of this State in the Congress of the United States, or one of the Senators and any two of the Representatives of this State in the Congress of the United States, are hereby authorized, empowered and required to execute a Deed or Deeds on the Part and Behalf of this State, conveying to the United States of *America*, all Right, Title and Claim which this State has to the Sovereignty and Territory of the Lands situate within the chartered Limits of this State, West of a Line beginning on the extreme Height of the *Stone Mountain*, at a Place where the *Virginia* Line intersects it, running thence along the extreme Height of the said Mountain to the Place where the *Wataugo* River breaks through it, thence a direct Course to the Top of the *Yellow Mountain*, where *Bright's* Road crosses the same, thence along the Ridge of said Mountain between the Waters of *Doe* River and the waters of *Rock* Creek, to the Place where the Road crosses the *Iron Mountain*, from thence along the extreme Height of said Mountain, to where the *Nolichucky* River runs through the same, thence to the Top of the *Bald Mountain*, thence along the extreme Height of the said Mountain to the *Painted Rock*, on *French-Broad* River, thence along the highest Ridge of the said Mountain, to the Place where it is called the *Great-Iron* or *Smoaky Mountain*, thence along the extreme Height of the said Mountain, to the Place where it is called *Uincoy* or *Unaka Mountain*, between the *Indian* Towns of *Cowee* and *Old Chota*, thence along the main Ridge of the

said Mountain, to the southern Boundary of this State, upon the following express Conditions, and Subject thereto. \* \*  
—[*Iredell's Laws of North Carolina*, pp. 663, 664.

The foregoing act was communicated to the Senate of the United States on the 1st day of February 1790, and on the 2d day of April of the same year, an Act was passed entitled "*An Act to accept a cession of the claims of the State of North Carolina to a certain district of Western territory*," in which the deed executed by the Senators of the State of North Carolina is formally recited and accepted.  
—[*U. S. Statutes at Large*, i, 106–109.

#### GEORGIA BOUNDARIES.

*An Act for the amicable settlement of limits with the state of Georgia, and authorizing the establishment of a government in the Mississippi territory.*

[Passed by Congress, April 7, 1798.]

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he hereby is authorized to appoint three commissioners; any two of whom shall have power to adjust and determine with such commissioners as may be appointed under the legislative authority of the state of Georgia, all interfering claims of the United States and that state, to territory situate west of the river Chatahouchee, north of the thirty-first degree of north latitude, and south of the cession made to the United States by South Carolina: And also to receive any proposals for the relinquishment or cession of the whole or any part of the other territory claimed by the state of Georgia, and out of the ordinary jurisdiction thereof.

\*

\*

\*

\*

—[*U. S. Statutes at Large*, i, 549.

On the 10th day of May 1800, Congress passed an act supplemental to last act cited above, the tenth section of which

authorized the commissioners on the part of the United States “finally to settle by compromise \* \* any claims mentioned in said act, and to receive in behalf of the United States a cession of any lands therein mentioned, or of the jurisdiction thereof, on such terms as to them shall appear reasonable: \* \* *Provided*, that the settlement shall be made and completed before the fourth day of March, one thousand eight hundred and three: *And provided also*, that the said commissioners shall not contract for the payment of any money from the treasury of the United States to the state of Georgia, other than the proceeds of the same lands.”

—[*Idem*, ii, 69.

The State of Georgia, on the 2d day of December, 1800, passed an act entitled *An Act to amend an Act entitled “An Act<sup>1</sup> \* \* to make a cession of part of the unlocated territory of said State to the United States;”* of which the following is an extract:

Whereas the powers vested by the above-recited act in the said commissioners have been found too limited to enable them to carry the same into operation:

SEC. I. *Be it therefore enacted, &c*, That the honorable Abraham Baldwin, James Jones, Benjamin Taliaferro, and James Jackson, Esqrs., representatives of this State in congress, or a majority of them, be and are hereby authorized and empowered to meet any person or persons who now are, or hereafter may be appointed on the part of the United States; \* \* to treat \* \* for the sale of all or any part of territory within the constitutional limits of this State, west of a line [particularly described but not finally adopted], on such terms and reasonable compensation for the same as may be beneficial to both parties, and shall procure to this State all the land east and north of the aforesaid line, within a reasonable time.

\* \* \* \*

—[*Prince's Digest of Laws of Georgia, to 1837, p. 151.*

<sup>1</sup> Superseded by this Act, and not retained on the statute books.—[P.

Articles of agreement and cession were concluded between commissioners on the part of the United States and the State of Georgia respectively, on the 24th day of April 1802, which were communicated to Congress, two days later, by President Jefferson. The leading articles, so far as concerns the present purpose, are as follows :

ART. 1. The state of Georgia cedes to the United States all the right, title, and claim which the said state has to the jurisdiction and soil of the lands situated within the boundaries of the United States, south of the state of Tennessee, and west of a line beginning on the west bank of the Chatahouchee river, where the same crosses the boundary line between the United States and Spain ; running thence,  
 \* \* upon the following express conditions, and subject thereto, that is to say :

*First.* That out of the first net proceeds of the sales of the lands thus ceded, \* \* the United States shall pay, at their Treasury, one million two hundred and fifty thousand dollars to the state of Georgia, as a consideration for the expenses incurred by the said state, in relation to the said territory ;  
 \* \* \* \*

ART. 2. The United States accept the cession above mentioned, and on the conditions therein expressed : \* \*

ART. 3. The present act of cession and agreement shall be in full force as soon as the legislature of Georgia shall have given its assent to the boundaries of this cession ; provided, that the said assent shall be given within six months after the date of these presents ; and provided that Congress shall not, during the same period of six months, repeal so much of any former law as authorizes this agreement, and renders it binding and conclusive on the United States ; \* \*

The foregoing articles of agreement and cession were ratified on the part of Georgia, by an act passed June 16, 1802, and no part of the law of the United States authorizing the said articles was repealed by Congress.

—[*Laws of U. S. relative to Public Lands* (1817), pp. 52, 54.

[IN U. S. HOUSE OF REPRESENTATIVES.]

FRIDAY, *March* 21, 1800.

Mr. Marshall, from the committee to which was referred the consideration of the expediency of accepting from the State of Connecticut a cession of jurisdiction of the territory west of Pennsylvania, commonly called the Western Reserve of Connecticut, with directions to report by bill or otherwise, made a report of which the following are extracts :

\* \* \* \*

The State of Connecticut, prior to the decree of Trenton,<sup>1</sup> offered to make a cession of Western territory, but under such restrictions that Congress refused to accept the same. In consequence of the above recommendation of Congress [of April 29, 1784], the Legislature of Connecticut resumed the consideration of a cession of their western territory; and at a General Assembly of the State, on the second Thursday of May, 1786, passed the following act [authorizing cession of territory described in the resolution of Congress of May 26, 1786, pp. 188, 189, above.] :

\* \* \* \*

The cession from Connecticut was accepted by Congress in the same manner and form as the cessions from Virginia, New York, and Massachusetts.

The Legislature of Connecticut, on the second Thursday of October, 1786, passed an act directing the survey of that part of their western territory not ceded to Congress, lying west of Pennsylvania, and east of the river Cayahoga, to which the Indian right had been extinguished; and by the same act, opened a land office for the sale thereof. Under this act a part of said tract was sold. \* \* \*

As the purchasers of the land commonly called the Connecticut Reserve hold their title under the State of Connecticut, they cannot submit to the government established by the United States in the Northwestern Territory, without

<sup>1</sup> For a copy of this decree, see *Journals of Congress*, January 3, 1783.—[ P.

endangering their titles, and the jurisdiction of Connecticut could not be extended over them without much inconvenience. Finding themselves in this situation, they have applied to the Legislature of Connecticut to cede the jurisdiction of the said territory to the United States. In pursuance of such application, the Legislature of Connecticut, in the month of October, 1797, passed an act authorizing the Senators of the said State in Congress to execute a deed of release in behalf of said State to the United States of the jurisdiction of said territory.

The committee are of opinion that the cession of jurisdiction offered by the State of Connecticut ought to be accepted by the United States, on the terms and conditions specified in the bill which accompanies this report.

— [*Amer. State Papers, Pub. Lands, (Duff Green), i, 86–88.*

The act recommended in the above report was passed on the 28th day of April, 1800, and is in the words following:

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the President of the United States be, and he hereby is authorized to execute and deliver letters patent in the name and behalf of the United States, to the governor of the state of Connecticut for the time being, for the use and benefit of the persons holding and claiming under the state of Connecticut, their heirs and assigns forever, whereby all the right, title, interest and estate of the United States, to the soil of that tract of land lying west of the west line of Pennsylvania, \* \* and extending from the said line westward one hundred and twenty statute miles in length, and in breadth throughout the said limits in length from the completion of the forty-first degree of north latitude, until it comes to forty-two degrees and two minutes north latitude, including all that territory commonly called the Western Reserve of Connecticut, and which was excepted by said state of Connecticut out of the cession by the said state heretofore made to the United States, \* \* shall be released and conveyed as aforesaid to the said governor*

of Connecticut, and his successors in said office, for ever, for the purpose of quieting the grantees and purchasers under said state of Connecticut, and confirming their titles to the soil of the said tract of land.

*Provided however,* That such letters patent shall not be executed and delivered, unless the state of Connecticut shall, within eight months from passing this act, by a legislative act, renounce forever, for the use and benefit of the United States, and of the several individual states who may be therein concerned respectively, and of all those deriving claims or titles from them or any of them, all territorial and jurisdictional claims whatever, under any grant, charter or charters whatever, to the soil and jurisdiction of any and all lands whatever lying westward, northwestward and southwestward of those counties in the state of Connecticut, which are bounded westwardly by the eastern line of the state of New York, as ascertained by agreement between Connecticut and New York, in the year one thousand seven hundred and thirty-three, excepting only from such renunciation the claim of the said state of Connecticut, and of those claiming from or under the said state, to the soil of said tract of land herein described under the name of the Western Reserve of Connecticut.

*And provided also,* That the said state of Connecticut shall, within the said eight months \* \* deliver to the acceptance of the President of the United States, a deed expressly releasing to the United States the jurisdictional claim of the said state of Connecticut, to the said tract of land herein described, under the name of the Western Reserve of Connecticut, \* \* \*

—[*U. S. Statutes at Large*, ii, 56, 57.

In accordance with the foregoing act of Congress, the General Assembly of the State of Connecticut, on the second Thursday of May one thousand and eight hundred, passed an act entitled "An Act renouncing the claims of this State to certain lands therein mentioned," and authorizing the Gover-

nor of the State to execute and deliver a deed of the form and tenor directed by the said act of Congress. This deed was so executed, by the then Governor Jonathan Trumbull, on the 30th day of May, 1800, and the several cessions of western lands initiated by New York, in 1780, were after a lapse of twenty years, made complete.

VIEWS OF RECENT HISTORIANS.

\* \* \* \*

The great obstacle, however, to the adoption of the Confederation, which delayed the assent of several of the smaller States for so long a period, was the claim of some of the larger States to the vacant lands lying within what they considered their rightful boundaries. \* \* This claim was strenuously resisted by Rhode Island, Delaware, New Jersey, and Maryland. \* \* The effect of a tacit recognition of the claims of the great States upon the welfare of such a State as Maryland, through the absence from the Articles of Confederation of any provision on the subject, was strikingly exhibited, by its legislature, in certain instructions to their delegates in Congress, which were laid before that body on the 21st of May, 1779. \* \* Coolly and dispassionately considering the subject, \* \* they then instructed their delegates to withhold the assent of Maryland to the Confederation, until an article or articles could be obtained in conformity with these views.

Against this proposition, the State of Virginia, which had already ratified the Articles of Confederation, so remonstrated, that there appeared to be no prospect of reconciling the difficulty. At this juncture the State of New York came forward, and by an act of its legislature, passed on the 19th of February, 1780, authorized its delegates in Congress to limit the western boundaries of the State, and ceded a portion of its public lands for the use and benefit of such of the United States as should become members of the federal alliance. The motives upon which this concession was expressly made had reference to the formation of the Union, by removing, as far

as depended upon the State of New York, the impediment which had so long prevented it.

After they had received official notice of this act, by a report made on the 6th of September, 1780, Congress pressed upon the other States, similarly situated, the policy of a liberal surrender of a portion of their territorial claims, as they could not be preserved entire without endangering the stability of the general confederacy.— \* \* At the same time, they earnestly requested the legislature of the State of Maryland to accede to the Confederation.

That state was not without examples of patriotic confidence among her smaller sister States. As early as the 20th of November, 1778, New Jersey had led the way to a generous trust on the part of the States which still remained out of the Union. She declared that the Articles of Confederation were in divers respects unequal and disadvantageous to her, \* \* yet, convinced of the present necessity of acceding to the confederacy proposed, \* \* she authorized her delegates to accede to the Confederation.

Delaware followed with not unequal steps. \* \*

These examples were not without influence upon the councils of patriotic Maryland. On the 30th of January, 1781, her legislature passed an act, the preamble of which commences with these memorable words: "Whereas it hath been said, that the common enemy is encouraged, by this State not acceding to the Confederation, to hope that the union of the sister States may be dissolved;" &c. \* \* The act then proceeded to adopt and ratify the Articles of Confederation, relying on the justice of the other States to secure the interests of the whole in the unoccupied western territory.

As soon as this act of Maryland was laid before Congress,<sup>1</sup> the joyful news was announced to the country, that the Union of

<sup>1</sup> The delegates of Maryland did not actually ratify the Articles, until those of New York had executed the act of cession on behalf of that State. See pp. 164-166, *ante*.— [P.]

the States was consummated under the written instrument, which had been so long projected.

\* \* \* \*

The historian who may, in any generation, record these noble acts of patriotism and concession, should pause and contemplate the magnitude of the event with which they were connected. He should pause, to render honor to the illustrious deeds of that great community, which first generously withdrew the impediment of its territorial claims; and to the no less gallant confidence of those smaller States, which trusted to the future for the final and complete removal of the inequality of which they complained. He should render honor to the State of New York, for the surrender of a territory to which she believed her legal title to be complete; a title which nothing but the paramount equity of the claims of the whole Confederacy ought to have overcome. That equity she acknowledged. She threw aside her charters and her title-deeds; she ceased to use the language of royal grants, and discarded the principle of succession. She came forth from among her parchments into the forum of conscience, in presence of the whole American people; and — recognizing the justice of their claim to territories gained by their common efforts — to secure the inestimable blessings of union, for their good and for her own, she submitted to the national will the determination of her western boundaries, and devoted to the national benefit her vast claims to unoccupied territories.

\* \* \* \*

The student of American constitutional history, therefore, cannot fail to see, that the adoption of the first written constitution was accomplished through great and magnanimous sacrifices. \* \* It was accomplished only through the sacrifice of great claims; and the fact that it was accomplished, and that it led the way to our present Constitution, proves at once the wisdom and the patriotism of those who labored for it.

\* \* \* \*

— [*Curtis' Hist. of U. S. Constitution*, i, 131–140

One of the great inducements to the adoption of the Constitution of the United States was to give the general government adequate constitutional power to dispose of the western territory [acquired by the cession of individual states] and to form new states out of it.

\* \* \* \*

The Confederation, although preceded by a cession of Western territory from the State of New York for the use of the United States, contained no grant of power to Congress to hold, manage, or dispose of such property. There had been while the Articles of Confederation were under discussion in Congress, a proposal to insert a provision, giving to Congress the sole and exclusive right and power to ascertain and fix the Western boundary of such States as claimed to the Mississippi or the South Sea, and to lay out the land beyond the boundary so ascertained into separate and independent States, from time to time, as the numbers and circumstances of the inhabitants might require. This proposal was negatived by the vote of every State except Maryland and New Jersey. Its rejection caused the adoption of the Confederation to be postponed for a period of more than two years after it was submitted to the States. \* \* The steps taken by Maryland to have this power introduced into the Articles have already been detailed. But the Articles could not be amended. Congress could only make efforts to remove this impediment to their adoption, by recommending to the States to cede their territorial claims to the Union. \* \* In pressing a recommendation to this effect, they were greatly aided by the course of the State of New York, which had already authorized its delegates in Congress to limit its western boundaries, and to cede a portion of its vacant lands to the United States.

\* \* \* \*

Virginia, in 1781, offered to make a cession to the United States of her title to lands northwest of the Ohio, upon certain conditions, which were not satisfactory, and the subject had not been acted upon in Congress when the revenue system of 1783 was adopted for recommendation to the States. Looking

to the prospect of vacant lands, as a means of hastening the extinguishment of the public debts, as well as of establishing the harmony of the Union, Congress accompanied the recommendation of the revenue system by new solicitations to the States which had made no cessions of their public lands, or had made them in part only, to comply fully with the former recommendations. This drew from the State of New Jersey, apprehensive that the offer of Virginia might be accepted, a remonstrance against the cession proposed by that State, as partial, unjust, and illiberal. Congress again took the subject into consideration, examined the conditions which the legislature of Virginia had annexed to their proposed grant, declared some of them inadmissible, and stated the conditions on which the cession could be received. Virginia complied with the terms proposed by Congress, and upon those terms ceded to the United States [in 1784] all right, title, and claim, both of soil and jurisdiction, which the State then had to the territory within the limits of its charter, lying to the northwest of the river Ohio; \* \* that magnificent region in which now lie the powerful States of Ohio, Indiana, Illinois, Michigan and Wisconsin.

\* \* \* \*

Soon afterwards [1785], a cession was made by Massachusetts of all its right and title, both of soil and jurisdiction, to the Western territory lying within the limits of the charter of that State. \* \* In the course of the next year [1786], the cession by Connecticut was made, after various negotiations, with a reservation to that State [implied rather than expressed] of the property in a considerable tract of country, since called the Connecticut Reserve [also New Connecticut and the Western Reserve], lying to the south of lake Erie, and now embraced within the State of Ohio. \* \* \*

A cession by South Carolina then followed, of all its claims to lands lying towards the river Mississippi; but no other cessions were made to the United States under the Confederation; those of Georgia [1802], and North Carolina [1790], having been made after the adoption of the Constitution.

— [*Idem*, i, 141 (*foot note*), 291, 292, 295, 299, 301.]

\*                                  \*                                  \*                                  \*

But the great stumbling-block in the way of the confederation was the question of the Western lands. New Hampshire, Rhode Island, New Jersey, Pennsylvania, Delaware, and Maryland, six out of the thirteen states, had boundaries exactly defined. Massachusetts, Connecticut, Virginia, and the Carolinas, extended under their charters to the Pacific; or to the Mississippi, since that river had been established as the British western boundary. Under the proclamation of 1763, annexing to Georgia the country west of the Altamaha and north of Florida, that state also claimed to extend to the Mississippi; and so did New York, under color of certain alleged acknowledgments of her jurisdiction made during colonial times by the Six Nations, the conquerors, it was pretended, of the whole western territory on both shores of Lakes Ontario and Huron, and both banks of the Ohio, as far south as the Cumberland Mountains.

By the states having no special western claims, it was maintained that all that vast western territory, as it must needs be wrested from Great Britain by joint efforts, so it ought to be a joint property. The immediate pecuniary value of those distant lands was greatly overrated. The claimant states, looking forward to great revenues and the speedy payment of their debts, as well as to extension of their inhabited territory, anxiously upheld both their right of jurisdiction and their property in the soil, while the landless states regarded with jealous eyes the future overflowing treasuries as well as the extensive limits of their neighbors. After much debate, the claimant states carried the day by the insertion of a provision into the Articles of Confederation that no state should be deprived of territory for the benefit of the United States; a provision to which all the non-claimant states, except Maryland, reluctantly consented. She made a determined stand, steadily refusing to assent to the confederation without some guarantee that the equitable right of the Union to these western regions should be respected.

New York, whose claim was the vaguest and most shadowy,

led the way by giving a discretionary power to her delegates in Congress to cede to the Union that portion of her claims west of a line drawn through the westernmost extremity of Lake Ontario. The other claimant states were urged by Congress to follow this example, under a guarantee that the lands so ceded should be disposed of for the common benefit, and, as they became peopled, should be formed into republican states, to become members of the Union on the same footing with the others. Thus urged, Connecticut offered to cede all her claim to the soil of the territory west of Pennsylvania, excepting, however, a broad tract south of Lake Erie and immediately adjoining Pennsylvania, since known as the Connecticut Reserve. The terror of invasion, and the hope that the adoption of the Articles of Confederation might inspire some energy into the flagging Union, induced the Assembly of Virginia, just before they adjourned from Richmond on the approach of Arnold, to cede to the United States all claim to the territory northwest of the Ohio; but this cession was clogged by requiring a guarantee of the right of Virginia to the remaining territory east of the Mississippi, and north of  $35^{\circ} 30'$  of north latitude. The New York delegates presently exercised the discretion with which they had been clothed, by executing a deed to the United States of the territory west of the line above mentioned; reserving, however, a right of retraction, unless the same guarantee were given to New York as to any other state making cessions. The same day, the delegates from Maryland, authorized to do so by an act of assembly passed immediately after the Virginia cession, gave their signatures to the Articles of Confederation, which, being thus ratified by all the states, became henceforth the law of the Union. The question of the western lands remained, however, still unsettled, none of the proposed cessions having yet been accepted by Congress.

— [*Hildreth's U. S. Hist.*, iii, 398–400.]

\* \* \* \*

The main hindrance to a strong confederation was the innate unwillingness of the separate states to give up power, combined with a jealousy of establishing it in other hands than their own. \* \* \*

Aside from the permanent question of taxation and representation, what most stood in the way of an early act of union was the conflict of claims to the ungranted lands, which during the connection with Great Britain had belonged to the King. Reason and equity seemed to dictate that they should inure to the common benefit of all the states which joined to wrest them from the crown. The complete transfer of ownership from the dethroned authority to the general congress would, however, have been at variance with the fixed and undisputed idea, that each state should have the exclusive control of its internal policy. It was therefore not questioned that each member of the confederacy had acquired the sole right to the public domain within its acknowledged limits; but it was proposed to vindicate to the United States the great territory northwest of the Ohio, by investing Congress "with the exclusive power of limiting the bounds of those colonies which were said to extend to the South sea, and ascertaining the bounds of any other that appeared to be indeterminate."

\* \* Jefferson spoke against the proposed power as too great and vague; and protested against the competency of congress to decide upon the right of Virginia; but he expressed the confident hope, "that the colonies would limit themselves." Unless they would do so, Wilson claimed for Pennsylvania the right to say she would not confederate.

\* \* \* \*

The king had possessed all the lands not alienated by royal grants. On the declaration of independence, the quit-rents were sequestered to the benefit of the proprietors, while each state assumed the ownership of the royal domain within its limits. A question was raised as to the public lands which might be acquired or recovered by the war, especially the country northwest of the Ohio, which had been transferred to

the province of Quebec by act of parliament; but that act formed one of the grievances of America; its validity was denied; and the states which by their charters extended indefinitely west, or west and northwest, refused to accept the United States as the umpire to settle their boundaries, except with regard to each other.

\* \* \* \*

—[*Bancroft's U. S. Hist.*, ix, 47, 55, 56, 443.

ESTABLISHMENT OF THE NEW YORK AND MASSACHUSETTS  
BOUNDARY LINE, AND AGREEMENT AS TO TERRITORIAL JURIS-  
DICTION WEST OF THE HUDSON RIVER.

A brief official statement as to the controversy pending in 1773 between the two colonies, has already been given (pp. 74–77). The following documents are the more important of those on this subject belonging to the period from 1773 to the final compromise or “Agreement,” executed December 16, 1786, in advance of the decision of a Federal Court which had been appointed for this purpose:

*An ACT to appoint Commissaries to settle a Line or Lines of Jurisdiction, between this Colony and the Province of the Massachusetts-Bay.*

Pass'd the 8th March, 1773.

I. BE IT ENACTED by his Excellency the Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same, That the Honourable John Watts, the Honourable William Smith, and the Honourable Robert R. Livingston, and William Nicoll, Esqrs, shall be Commissaries on the Part of this Colony, who shall be commissioned by the Governor or Commander in Chief for the Time being, and who shall have full Power, and are hereby authorized to meet with the Commissaries, who are or may be appointed and in like Manner authorized and empowered by the Governor, Council, and General Court or Assembly, of the Province of the *Massachusetts-Bay*, at such Time or Times, Place or Places, as shall be agreed upon and deter-

mined by the Governors or Commanders in Chief for the Time being of this Colony, and the Province of the *Massachusetts-Bay*, then and there to agree upon a Line or Lines of future Jurisdiction between the said Province of the *Massachusetts-Bay*, and this Colony, on the Easterly Part of this Colony, to begin at the South west Corner of the Province of *New-Hampshire*, on the West Bank of *Connecticut River*, and from thence in such Manner and by such Line or Lines as shall be found eligible, with due Regard to the Rights of this Colony, to the Colony of *Connecticut*; the Governor or Commander in Chief of this Colony for the Time being, and the Governor of the said Province, being present: And such Line or Lines so agreed upon and approved of, and consented to by the said Governor or Commander in Chief of this Colony, and the Governor of the Province of the *Massachusetts-Bay* for the Time being, shall be presented by the said Governors respectively, to his Majesty for his Royal Approbation; and being ratified and confirmed by his Majesty, shall at all Times thereafter be the Line or Lines of Jurisdiction between this Colony and the Province of the *Massachusetts-Bay*; the true and real Extent or Boundary of this Colony by the Royal Grants, or any Law, Act, Declaration, or Ordinance to the contrary thereof in any wise notwithstanding.

II. AND BE IT FURTHER ENACTED *by the same Authority*, That after such Line or Lines shall be so agreed upon, approved, ratified and confirmed, the Commissaries appointed by this Act are hereby authorized and impowered to employ a Surveyor or Surveyors, Chain-bearers, and such and so many other Persons as may be found necessary to perform the executive Part, in running, marking and ascertaining the said Line or Lines, in Conjunction with such as may be appointed on the Part of the said Province of the *Massachusetts-Bay* for that Purpose.

AND to the Intent that the good Ends of this Act may not be defeated by the Death, Sickness, or unavoidable Absence of either of the Commissaries above named,

III. BE IT ENACTED *by the same Authority*, That in case of any such Accident happening to any of the Commissaries, the major Part of the said Commissaries, or the Survivors and Survivor of them, shall and may execute and perform all such Acts as they may conceive to be expedient and necessary for settling the said Line or Lines of Jurisdiction between this Colony and the Province above-mentioned; and that as fully to all the Intents and Purposes afore-mentioned, as all the Commissaries could or might execute and perform the same.

—[*Laws of N. Y. (Van Schaack)*, pp. 756, 757.

[IN N. Y. GENERAL ASSEMBLY.]

*Die Mercurij*, 10 ho. A. M. the 12th January, 1774.

\* \* \* \*

*Gentlemen of the Council,*  
*And Gentlemen of the General Assembly,*

\* \* \* \*

In consequence of the laws passed by this colony and the province of the Massachusetts Bay, the commissaries appointed by each government have since your recess, met at Hartford, and in the presence, and with the consent, of the respective governors entered into an agreement for settling the line of jurisdiction between the two provinces, which I now lay before you. It has already been transmitted for his Majesty's approbation, and as I cannot doubt its receiving the royal sanction, a final period must soon be put to a controversy which, for many years, has not only affected the property but greatly disturbed the tranquility of many of his Majesty's subjects in both governments.

\* \* \* \*

WM. TRYON.

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This agreement, indented, made the eighteenth day of May, in the thirteenth year of the reign of his most gracious Majesty GEORGE the Third, King of Great-Britain, France, and Ire-

land, Defender of the Faith, &c. and in the year of our Lord one thousand seven hundred and seventy-three, between John Watts, William Smith, Robert R. Livingston and William Nicoll, Esquires, duly authorised to make such agreement, by virtue of a law of the Province of New-York, of the one part; and William Brattle, Joseph Hawley, and John Hancock, Esquires, thereunto also duly authorised, by virtue of a law of the province of the Massachusetts Bay, of the other part, witnesseth, that the Commissaries aforesaid, being met at Hartford, in the Colony of Connecticut, for the settlement of a partition line of jurisdiction between the said provinces of New-York and the Massachusetts Bay, on the easterly part of the said province of New-York, and from the south to the north boundaries of the said Massachusetts Bay, in pursuance of the said laws and certain commissions respectively issued to the Commissaries above named, by the Governors of the provinces aforesaid, and in compliance with the royal recommendation heretofore signified to Sir Henry Moore, Baronet, and Francis Bernard, Esquire, the then Governors of the said provinces, by letters from the Right Honourable the Earl of Shelburn, late one of his Majesty's principal secretaries of state; and after having had divers conferences relative to the aforesaid boundary of the said provinces, they the said commissaries do thereupon unanimously agree, that the following line, that is to say — a line beginning at a place fixed upon by the two governments of New-York and Connecticut, in or about the year of our Lord one thousand seven hundred and thirty-one, for the northwest corner of a tract of land commonly called the Oblong, or equivalent land; and running from the said corner north twenty-one degrees, ten minutes and thirty seconds east, as the magnetic needle now points, to the north line of the Massachusetts Bay, shall at all times hereafter be the line of jurisdiction between the said province of the Massachusetts Bay and the said province of New-York, in all and every part and place where the said province of New-York, on its eastern boundary, shall adjoin on the said province of the Massachusetts-Bay. In testimony whereof the commis-

saries aforesaid have hereunto set their hands and seals, the day and year first above-mentioned.

JOHN WATTS,	(L. s.)
WILLIAM SMITH,	(L. s.)
ROBERT R. LIVINGSTON,	(L. s.)
WILLIAM NICOLL,	(L. s.)
WILLIAM BRATTLE,	(L. s.)
JOSEPH HAWLEY,	(L. s.)
JOHN HANCOCK,	(L. s.)

*Sealed and delivered in the presence of*

ELIPHALET DYER,  
WM. SAMUEL JOHNSON.

We, the Governors of the provinces aforesaid, having been present at the execution of the agreement aforesaid, in testimony of our consent thereto, and of our approbation thereof, have hereunto set our hands and seals, at Hartford aforesaid, this eighteenth day of May, in the year of our Lord one thousand seven hundred and seventy-three, and the thirteenth year of his Majesty's reign.

WM TRYON,	(L. s.)
T. HUTCHINSON,	(L. s.)

*Sealed and delivered in the presence of*

ELIPHALET DYER,  
WM. SAMUEL JOHNSON.

—[*Journal of N. Y. Gen. Assembly, 1774, pp. 4-6.*

[In N. Y. LEGISLATURE.]

CITY OF NEW YORK, *October 18th, 1784.*

*Gentlemen of the Senate and Assembly,*

SINCE the close of the last session, the Legislature of the State of Massachusetts have thought fit to set up a claim to lands which, it is to be inferred, from their Petition to the Honorable the United States in Congress, lie some where within the antient jurisdiction of this State, but in what part, or to what extent is left in obscurity. They have, notwith-

standing, requested, that a Federal Court may be appointed for enquiring into and determining such claim; and Congress have accordingly assigned the first Monday in December next, for the appearance of both States, and such other proceedings as are directed by the Articles of Confederation and Perpetual Union. From the Act of Congress of the 3d day of June last on this subject, and the papers accompanying it, you will perceive the necessity of appointing Agents to manage the controversy on the part of this State; and of calling for an explicit description of the lands claimed by the Massachusetts, without which we must be exposed, in our defence, to unnecessary difficulties and expence. The importance of these measures, and the election of Delegates and of members to compose a council of Appointment, for the ensuing year were the principal inducements to your being assembled at a season which I am sensible must be inconvenient.

\*

\*

\*

\*

GEORGE CLINTON.

—[*Senate Journal*, 1784, p. 4.]

*An ACT supplementary to the Act, entitled, An Act to appoint Agents or Commissioners for vindicating the Right and Jurisdiction of this State, against the Claims of the Commonwealth of the Massachusetts, pursuant to the Articles of Confederation and perpetual Union of the United States.*

Passed 28th April, 1786.

WHEREAS in and by the Act, entitled, *An Act to appoint Agents or Commissioners* [etc., as in the above title of this act] passed the 12th of *November*, 1784, *James Duane, John Jay, Robert R. Livingston, Egbert Benson and Walter Livingston*, Esquires, were declared to be Agents for this State, in the Controversy between this State and the Commonwealth of the *Massachusetts*, as mentioned in the said Act. *And whereas* the said *John Jay and Walter Livingston*, have informed this Legislature, that they cannot attend the Duties required of them by the said Act, by Reason of the Offices they severally hold under the United States, and have

requested to resign their Appointments as Agents in the Controversy aforesaid, whereby it is become necessary that other Persons be appointed in the Place of the said *John Jay* and *Walter Livingston*. Therefore,

I. *Be it Enacted* \* \* That *John Haring, Melancton Smith, Robert Yates* and *John Lansing, Junior*, Esquires, be, and they are hereby appointed and declared to be Agents in the Place of the said *John Jay* and *Walter Livingston*, for this State, in the Controversy aforesaid.

II. AND in order that the said Controversy may be brought to a speedy Issue; *Be it further Enacted* \* \* That the said *James Duane, Robert R. Livingston, Egbert Benson, John Haring, Melancton Smith, Robert Yates* and *John Lansing, Junior*, or such of them as shall attend the Trial of the Controversy aforesaid, at the Federal Court appointed to determine the same, have a Credit on the Treasury for a Sum not exceeding *Four Thousand Pounds*, to be paid them by the Treasurer of this State on Account.

III. *And be it further Enacted* \* \* That it shall and may be lawful for the said *James Duane*, [and others, as above] or any five or more of them, to settle the said Controversy between this State and the Commonwealth of the *Massachusetts*, otherwise than by the said Federal Court, as mentioned in the said Act, in such Manner as they shall judge most conducive to the Interest of this State.

— [*Laws of N. Y. (Jones and Varick)*, i, 318, 319.]

**Agreement entered into by the Commissioners** appointed to settle the Controversy between the Commonwealth of *Massachusetts* and the State of *New-York*, respecting Lands lying westward of *Hudson's River*.

*To all to whom these Presents shall come,*

*The underwritten John Lowell, James Sullivan, Theophilus Parsons and Rufus King, Agents or Commissioners appointed by the Commonwealth of Massachusetts, of the one part, and the underwritten James Duane, Robert R. Livingston, Robert Yates, John Haring, Melancton Smith, and Egbert Benson, six of the Commissioners appointed by the State of New-York, of the other part;*

SEND GREETING:

WHEREAS the Commonwealth of *Massachusetts*, did heretofore present a petition to the United States in Congress assembled, thereby among other things, stating, that all that territory which in the said petition is described as all that part of *New-England* in *America*, which lieth and extendeth between a great river, called *Merrimack*, and a certain other river there called *Charles-River*, being the bottom of a bay there called *Massachusetts-Bay* and also, all those lands lying within three English miles to the southward of the southernmost part of the said bay, and extending thence northward in latitude to northward of every part of the said river *Merrimack*, and in breadth of latitude aforesaid, extending throughout all the main land, in longitude westerwardly to the southern ocean, was the just and proper right of the said Commonwealth; and farther stating, That the State of *New-York* had set up a claim to some part of the land before mentioned; the said Commonwealth did, therefore, by the said petition, solemnly request of the United States in Congress, that Commissioners might be appointed for enquiring into and determining upon the claim aforesaid, of the Legislature of the said Commonwealth, and that such other proceedings respecting the premises, might be had, as are by the federal government of the said United States, in such case made and provided, as by the said petition filed

among the archives of the United States, reference being thereunto had, may more fully appear: And whereas, the State of *New-York* doth, in opposition to the said claim of the Commonwealth of *Massachusetts*, claim as the just and proper right of the said State, as well in respect of property, as jurisdiction, all those lands and territories bounded on the north, by the parallel of latitude passing through the said point, place or boundary aforesaid, of three miles to the northward of every part of the said river *Merrimack*, and bounded on the south, by the parallel of latitude passing through the said point or place, situate three miles south of the southermost part of said bay, called *Massachusetts-Bay*, bounded on the west by the limits between the United States and the King of *Great-Britain* and the line of cession from the State of *New-York*, to the United States, and bounded on the east by the line agreed on, and established between the late colony of the *Massachusetts-Bay* and the late colony of *New-York*, in the year one thousand seven hundred and seventy-three, and from the northern termination of the said line then bounded on the east by the west bank of *Connecticut-River*: And whereas, the State of *New-York* having been duly notified, did appear by their lawful agents to vindicate such their said right against the said claim of the said Commonwealth; and proceedings were thereupon had in Congress, pursuant to the articles of confederation, in order to the appointment of Commissioners or Judges to constitute a Court for hearing and determining the said matters in question: And whereas, the said *John Lowell*, *James Sullivan*, *Theophilus Parsons* and *Rufus King*, were afterwards, by a certain commission under the seal of the said Commonwealth, and bearing date the twenty-sixth day of *April*, in the ninth year of the independence of the United States, and made in pursuance of an act of the Legislature of the said Commonwealth, passed the fourteenth day of *March*, in the eighth year of the independence of the United States, and of a resolution of the said Legislature, passed the eighteenth day of the said month of *March*—commissioned to be agents to manage, conduct and prosecute the claims of the said Commonwealth, to the

lands described in the said petition: And whereas, afterwards and pending such proceedings in Congress, the Legislature of the Commonwealth of *Massachusetts* did, by an act entitled an act empowering the Agents appointed by their government to defend the territory on the west side of *Hudson's-River*, against the claims of the State of *New-York*, to settle the controversy relative thereto, otherwise than by a federal Court, if they shall judge it expedient, enact, That the major part of the said Agents or Commissioners should be fully authorized and empowered to agree with the Agents or Commissioners of the State of *New-York*, and settle the controversy respecting the territory aforesaid, by a federal Court as appointed by virtue of the confederation, or otherwise in such way and manner as they should judge would comport with justice and the interest of the said Commonwealth; and the Legislature of the State of *New-York* did, by an act entitled, "An Act supplementary to the act entitled, an act to appoint Agents or Commissioners for vindicating the right and jurisdiction of this State against the claims of the Commonwealth of *Massachusetts*, pursuant to the articles of confederation and perpetual union of the United States," among other things enact, That it should be lawful for the said *James Duane*, *Robert R. Livingston*, *Egbert Benson*, *John Haring*, *Melanton Smith*, and *Robert Yates*, and also, *John Lansing jun.* or any five or more of them, to settle the said controversy between the said State of *New-York*, and the said Commonwealth of *Massachusetts*, otherwise than by the said federal Court, in such manner as they should judge most conducive to the interest of the said State, as by the said commission and the said several acts, relation being thereunto had, may appear.

*Now therefore know ye*, That the underwritten Commissioners on the part of the Commonwealth of *Massachusetts* and the State of *New-York* respectively, having by mutual consent assembled at the city of *Hartford* in the State of *Connecticut*, on the thirtieth day of *November* last, in order to the due execution of their respective trusts, and having duly exchanged and considered their respective powers, and declared

the same legal and sufficient after several conferences, and to the end that all interfering claims and controversies between the said Commonwealth of *Massachusetts* and the said State of *New-York*, as well in respect of jurisdiction, as property, may be finally settled and extinguished, and peace and harmony forever established between them on the most solid foundation — HAVE AGREED, and by these Presents, do mutually for and in behalf of the said Commonwealth of *Massachusetts* and the said State of *New-York*, by whom respectively, they the said Commissioners have been so appointed and authorized as aforesaid, agree to the mutual cessions, grants, releases and other provisions following, *that is to say*:

*First.* The Commonwealth of *Massachusetts* doth hereby cede, grant, release and confirm to the State of *New-York* forever, all the claim, right and title which the Commonwealth of *Massachusetts* hath to the government, sovereignty, and jurisdiction of the lands and territories so claimed by the State of *New-York* as herein before stated and particularly specified.

*Secondly.* The State of *New-York* doth hereby cede, grant, release and confirm to the Commonwealth of *Massachusetts*, and to the use of the Commonwealth, their grantees, and the heirs and assigns of such grantees forever, the right of pre-emption of the soil from the native Indians, and all other the estate, right, title and property, (the right and title of government, sovereignty and jurisdiction excepted) which the State of *New-York*, hath of, in, or to two hundred and thirty thousand and four hundred acres, to be located by the Commonwealth of *Massachusetts*, and to be situate to the northward of, and adjoining to the lands granted respectively to *Daniel Cox* and *Robert Lettice Hooper*, and their respective associates, and between the rivers *Owega* and *Chenengo*. And also, of, in or to all the lands and territories within the following limits and bounds, that is to say: Beginning in the north boundary line of the State of *Pennsylvania*, in the parrallel of forty-two degrees of north latitude, at a point distant eighty-two miles west from the north-east corner of the State of *Pennsylvania*, on *Delaware-River*, as the said boundary-line

hath been run and marked by the Commissioners appointed by the States of *Pennsylvania* and *New-York* respectively, and from the said point or place of beginning, running on a due meridian north to the boundary line between the United States of *America*, and the King of *Great-Britain*; thence westerly and southerly along the said boundary line, to a meridian which will pass one mile due east from the northern termination of the Streight, or waters between *Lake-Ontario* and *Lake-Erie*; thence south along the said meridian to the south shore of *Lake-Ontario*; thence on the eastern side of the said Streight, by a line always one mile distant from the parrallel to the said Streight, to *Lake-Erie*; thence due west to the boundary line between the United States and the King of *Great-Britain*; thence along the said boundary line, until it meets with the line of cession from the State of *New-York* to the United States; thence along the said line of cession, to the northwest corner of the State of *Pennsylvania*; and thence east along the northern boundary line of the State of *Pennsylvania* to the said place of beginning: And which said lands and territories so ceded, granted, released and confirmed, are parcel of the lands and territories described in the said petition.

*Thirdly.* The Commonwealth of *Massachusetts* doth hereby cede, grant, release and confirm to the State of *New-York* and to the use of the State of *New-York*, their grantees and the heirs and assigns of such grantees forever, the right of pre-emption of the soil from the native Indians, and all other the estate, right, title and property, which the Commonwealth of *Massachusetts* hath of, in or to the residue of the lands and territories so claimed by the State of *New-York*, as herein before stated, and particularly specified.

*Fourthly.* That the lands so ceded, granted, released and confirmed to the Commonwealth of *Massachusetts*, or such part thereof as shall from time to time be and remain the property of the Commonwealth of *Massachusetts*, shall during the time that the same shall so be and remain such property, be free and exempt from all taxes whatsoever, and that no

general or State tax shall be charged on, or collected from the lands hereafter to be granted by the Commonwealth of *Massachusetts*, or on the occupants or proprietors of such lands, until fifteen years after such confirmation, as is herein after mentioned, of such grants, shall have expired; but that the lands so to be granted, and the occupants thereof, shall during the said period, be subject to town or county charges or taxes only; *Provided*, That this exemption from general or State taxes, shall not be construed to extend to such duties, excises or imposts, to which the other inhabitants of the State of *New-York*, shall be subject and liable.

*Fifthly*. That no rents or services shall be reserved in any grants to be made of the said lands by the Commonwealth of *Massachusetts*.

*Sixthly*. That the inhabitants on the said lands and territories, being citizens of any of the United States, holding by grants from the Commonwealth of *Massachusetts*, shall be entitled to equal rights with the other citizens of the State of *New-York*; and further, that the citizens of the Commonwealth of *Massachusetts*, shall from time to time, and at all times hereafter, have and enjoy the same and equal rights, respecting the navigation and fishery, on and in *Lake Ontario* and *Lake Erie*, and the waters communicating from the one to the other of the said lakes, and respecting the roads and portages between the said lakes, as shall from time to time be had and enjoyed by the citizens of the State of *New-York*; and the citizens of the Commonwealth of *Massachusetts* shall not be subject to any other regulations, or greater tolls or duties to be made or imposed from time to time by the State of *New-York*, respecting the premises, than the citizens of the State of *New-York* shall be subject to.

*Seventhly*. That no adverse possession of the said lands for any length of time, shall be adjudged a disseizen of the Commonwealth of *Massachusetts*.

*Eighthly*. That the State of *New-York*, so long as any part of the said lands shall be, and remain the property of the Commonwealth of *Massachusetts*, shall not cede, relinquish, or in

any manner divest themselves of the government and jurisdiction of the said lands or any part thereof, without the consent of the Commonwealth of *Massachusetts*.

*Ninthly*. That the Commonwealth of *Massachusetts*, may from time to time, by persons to be by them authorized for the purpose, hold treaties and conferences with the native Indians, relative to the property or right of soil of the said lands and territories hereby ceded, granted, released and confirmed to the Commonwealth of *Massachusetts*, and with such armed force as they shall deem necessary for the more effectual holding such treaty or conference ; and the Commonwealth of *Massachusetts*, within six months after such treaties shall respectively be made, shall cause copies thereof to be deposited in the office of the Secretary of the State of *New-York*.

*Tenthly*. The Commonwealth of *Massachusetts*, may grant the right of pre-emption of the whole or of any part of the said lands and territories to any person or persons, who by virtue of such grant, shall have good right to extinguish by purchase, the claims of the native Indians :<sup>1</sup> *Provided*, however, that no purchase from the native Indians by any such grantee or grantees, shall be valid, unless the same shall be made in the presence of, and approved by a superintendant to be appointed for such purpose by the Commonwealth of *Massachusetts*, and having no interest in such purchase ; and unless such purchase shall be confirmed by the Commonwealth of *Massachusetts*.

*Eleventhly*. That the grantees of the said lands and territories under the Commonwealth of *Massachusetts*, shall within six months after the confirmation of their respective grants, cause such grants or the confirmation thereof, or copies of such grants or confirmations certified or exemplified under the seal

<sup>1</sup> Oliver Phelps and Nathaniel Gorham purchased the whole of this tract from Massachusetts, but failed to meet their obligations, and a large share of the land reverted and was re-sold to Samuel Ogden for Robert Morris, May 12, 1791. Morris sold the west portion of the tract, about seven-eighths of the whole, to the Holland Land Company, reserving to himself a strip of an average width of twelve miles, known as the "Morris Reserve."

— [*Hough's Gazetteer of N. Y.*, 1872, p. 315.]

of the Commonwealth of *Massachusetts*, to be deposited in the said office of the Secretary of the State of *New-York*, to the end that the same may be recorded there, and after the same shall have been so recorded, the grantees shall be entitled to receive again from the said Secretary their respective grants or confirmations, or the copies thereof, which soever may have been so deposited, without any charges or fees of office whatsoever, and every grant or confirmation which shall not, or of which shall not be so deposited, shall be adjudged void.

IN TESTIMONY WHEREOF, the said *John Lowell*, *James Sullivan*, *Theophilus Parsons* and *Rufus King*, for and in the name and behalf of the said Commonwealth of *Massachusetts*, and the said *James Duane*, *Robert R. Livingston*, *Robert Yates*, *John Haring*, *Melancton Smith* and *Egbert Benson*, for and in the name and on behalf of the said State of *New-York*, have to these presents, and a duplicate thereof, both indented, interchangeably set their hands, and affixed their seals; done at the city of *Hartford* aforesaid, the sixteenth day of *December*, in the year of our Lord one thousand seven hundred and eighty-six, and the eleventh year of the independence of the United States of *America*.

JOHN LOWELL,	(L. S.)
JAMES SULLIVAN,	(L. S.)
THEOPHILUS PARSONS,	(L. S.)
RUFUS KING,	(L. S.)
JAMES DUANE,	(L. S.)
ROBERT R. LIVINGSTON,	(L. S.)
ROBERT YATES,	(L. S.)
JOHN HARING,	(L. S.)
MELANCTON SMITH,	(L. S.)
EGBERT BENSON,	(L. S.)

Witness present at the sealing and delivery; *George Wylllys*, *Thomas Seymour*, *Jesse Root*, *Jeremiah Wadsworth*, *D. Humphreys*, *William Imlay*, *Joseph Webb*, *Simeon de Witt*, *Lewis du Boys*, *Nathaniel Bethune*.

—[*Mass. Perpetual Laws*, pp. 392–397.]

[IN N. Y. LEGISLATURE.]

CITY OF NEW YORK, *January* 13, 1787.

*Gentlemen of the Senate and Assembly,*

\* \* \* \*

I have the pleasure to inform you, that the Law passed at the last Session of the Legislature, vesting Commissioners with discretionary power, to determine the controversy between this State and the Commonwealth of Massachusetts, otherwise than by a Fœderal Court, hath been carried into full effect; all interfering claims both with respect to territory and jurisdiction being finally adjusted. — The mutual agreement and act of cession executed with the usual solemnities by the Commissioners of both States, is now laid before you; and I have the fullest confidence that the conduct of your Commissioners in a mission equally difficult and important, will meet with your entire approbation; and that adequate provision will be made for the services and expences which have arisen in laborious preparations for the trial, as well as in the final extinguishment of the contest.

\* \* \* \*

GEORGE CLINTON.

—[*Senate Journal*, 1787, pp. 4, 5.]

## CONCLUSION OF THE NEW HAMPSHIRE CONTROVERSY.

Some account of the controversy with New Hampshire, relative to the territory embraced in the present State of Vermont, having been given on pages 77-86, it remains to record the amicable adjustment of conflicting claims, in connection with the

ERECTION OF VERMONT INTO A NEW STATE.

*An ACT appointing Commissioners with Power to declare the Consent of the Legislature of this State, that a certain Territory within the Jurisdiction thereof should be formed into a new State.*

Passed 6th March, 1790.

I. BE it enacted by the People of the State of New-York,  
represented in Senate and Assembly, and it is hereby enacted

*by the authority of the same,* That Robert Yates, Robert R. Livingston, John Lansing, junior, Gulian Verplanck, Simeon De Witt, Egbert Benson, Richard Sill, and Melancton Smith, shall be, and hereby are appointed commissioners, with full power to them, or any four of them, in their discretion as they shall judge the peace and interest of the United States in general, and of this state in particular, to require the same, and on such terms and conditions, and in such manner and form as they shall judge necessary and proper, to declare the consent of the legislature of this state, that such district or territory, within the jurisdiction, and in the north-eastern and northern parts thereof, as the said commissioners shall judge most convenient, should be formed and erected into a new state; and with farther full power to treat, conclude and agree with any person or persons, or any assemblies or bodies of people, touching the premises, or touching the ceding or relinquishing the jurisdiction of this state over such district or territory, or touching the securing or confirming of rights, titles, or possessions of lands within such district or territory, held or claimed under grants from the state of New-Hampshire while a colony, or under grants, sales or locations made by the authority of the government or jurisdiction now existing, and exercised in the north-eastern parts of this state, under the name or style of the state of Vermont, against persons claiming the same lands under grants from this state while a colony, or since the independence thereof; and every act of any four or more of the commissioners hereby appointed, in the execution of the powers aforesaid, shall be as effectual to every purpose, as if the same were an immediate act of the legislature of this state. Provided, Such grants, sales or locations by or under Vermont, do not extend to the westward of the towns granted, located or occupied under the late colony of New-Hampshire, which lay in that part of the country aforesaid, between the north boundary of the commonwealth of Massachusetts, continued from the north-west corner thereof towards Hudson's river, and a parallel line extending eastward from the point of land where Fort-Edward formerly stood,

until it meets with the west bounds of any of the said granted, located or occupied towns.

II. *And be it further enacted by the authority aforesaid,* That whatever stipulations shall be made by the commissioners appointed by this act, with any person or persons, or any assemblies or bodies of people, touching the premises, or touching the ceding or relinquishing the jurisdiction of this state over such district or territory, or touching the securing of rights, titles or possessions of lands within such district, for a compensation for extinguishing the claims to lands within such district, as derived under the late colony of New-York, shall be for the use of such claimants, although in such stipulations such compensation should be declared to be for the use of this state, or for the people thereof; and that nothing in this act contained shall be intended or construed to give any such claimant any right to any further compensation whatsoever from this state, other than such compensation which may be so stipulated as aforesaid.

III. *And be it further enacted by the authority aforesaid,* That the act, entitled, An act appointing commissioners with power to declare the consent of the legislature of this state of New-York, that a certain territory within the jurisdiction thereof, should be formed or erected into a new state, passed the sixteenth day of July, in the year one thousand seven hundred and eighty-nine, shall be, and hereby is repealed. — [*Laws of N. Y. (Greenleaf)*, ii, 297, 298.

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*To all to whom these Presents shall come :*

Be it known, That Robert Yates, John Lansing, junior, Gulian Verplanck, Simeon De Witt, Egbert Benson, and Melancton Smith, Commissioners appointed by an act of the Legislature of the State of New York, entitled "An act appointing Commissioners with power to declare the consent of the Legislature of this State that a certain territory within the jurisdiction thereof should be formed into a new State,"

passed the sixth day of March last, do hereby, by virtue of the powers to them granted for the purpose, declare the consent of the Legislature of the State of New York, that the community now actually exercising independent jurisdiction as the State of Vermont, be admitted into the Union of the United States of America, and that immediately from such admission all claim of jurisdiction of the State of New York, within the State of Vermont, shall cease; and thenceforth the perpetual boundary line between the State of New York and the State of Vermont shall be as follows, viz: Beginning at the Northwest corner of the State of Massachusetts; thence, Westward, along the South boundary of the township of Pownall, to the Southwest corner thereof; thence Northerly along the Western boundaries of the townships of Pownall, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlett, Wells, and Paulkney, as the said townships are now held or possessed, to the River commonly called Poultney River; thence, down the same, through the middle of the deepest channel thereof, to East Bay; thence, through the middle of the deepest channel of East Bay, and the waters thereof, to where the same communicate with Lake Champlain; thence, through the middle of the deepest channel of Lake Champlain, to the Eastward of the Islands called the Four Brothers, and the Westward of the Islands called Grand Isle and Long Isle, or the Two Heroes, and to the Westward of the Isle La Motte, to the forty-fifth degree of North latitude. And the said Commissioners do hereby declare the will of the Legislature of the State of New York, that, if the Legislature of the State of Vermont shall, on or before the first day of January, in the year one thousand seven hundred and ninety-two, declare that the State of Vermont shall, on or before the first day of June, in the year one thousand seven hundred and ninety four, pay to the State of New York the sum of thirty thousand dollars, that immediately from such declaration by the Legislature of the State of Vermont, all rights and titles to lands within the State of Vermont, under grants from the Government of the late Colony of New York, or from the State of New York, except as here-

inafter excepted, shall cease. Or if the Legislature of the State of Vermont shall not elect to make such declaration, then that, except in cases where the grants from New York were intended as confirmations of grants from New Hampshire, all rights and titles under grants from the Government of the late Colony of New York, or from the State of New York, to lands within the State of Vermont, which may have been granted by the Government of the Colony of New Hampshire, shall cease, and the boundaries, according to which such grants from the Government of the late Colony of New Hampshire have been held or possessed, shall be deemed to be the true boundaries. And the said Commissioners do hereby further declare the will of the Legislature of the State of New York, that all rights and title to lands within the State of Vermont, under grants from the Government of the late Colony of New York, or from the State of New York, and not granted by the Government of the late Colony of New Hampshire, shall be suspended until the expiration of three years after the Governor of the State of Vermont, for the time being, shall have been notified that a Commissioner, to be appointed by the State of New York, after the first day of January, in the year one thousand seven hundred and ninety-two, and to reside and hold a public office at the City of Albany, shall have entered upon the execution of his office. And if, within one year after such notification, there shall be delivered to such Commissioner, either the original or a certified abstract, containing the date, the names of the grantees, and the boundaries of a grant from New York, and if, thereupon, at any time before the expiration of the said term of three years above mentioned, there shall be paid to such Commissioner, at the rate of ten cents per acre, for the whole or any parcel of the lands contained in such grant from New York, all right and title under such grant, shall, in respect to the lands for which payment shall so be made, cease; and a receipt, under the hand and seal of such Commissioner, specifying the land for which payment shall be made, shall be evidence of the payment; and in default of delivering the original, or such certified abstract of the grant, to the Commis-

sioner, within the said term of one year, for that purpose above limited, all right and title under the grant, in respect to which there shall be such default of delivery, shall cease; but where the original or certified abstract of the grant shall be duly delivered to the Commissioner, and if thereupon payment shall not be duly made to the Commissioner, the right and title under the grant in respect to the lands for which payment shall not be made, shall remain; and suits for the recovery of such lands may be prosecuted in the ordinary course of law, provided the suit be commenced within ten years after the State of Vermont shall have been admitted into the Union of the United States, otherwise the right and title under the grant from New York shall, in such case, also cease. In testimony whereof the said Commissioners, have hereunto set their hands, and affixed their seals, the 7th day of October, in the fifteenth year of the Independence of the United States of America, one thousand seven hundred and ninety.

EGBERT BENSON,	[L. s.]
GULIAN VERPLANCK,	[L. s.]
ROBERT YATES,	[L. s.]
MELANCTON SMITH,	[L. s.]
SIMEON DE WITT,	[L. s.]
JOHN LANSING, JUNIOR,	[L. s.]

RICHARD VARICK,	} <i>Witnesses.</i>
ALEXANDER HAMILTON,	
SAMUEL JONES,	
ROBERT BENSON,	

—[*Journal U. S. H. of Rep.*, i, 414.

*An Act for the admission of the State of Vermont into this Union.* Feb. 18, 1791.

The state of Vermont having petitioned the Congress to be admitted a member of the United States, *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, and it is hereby enacted and declared*, That on the fourth day of March, one thousand seven

hundred and ninety-one, the said state, by the name and style of "The State of Vermont," shall be received and admitted into this Union, as a new and entire member of the United States of America.

—[*U. S. Statutes at Large*, i, 191.

THE PRESENT BOUNDARIES OF THE STATE OF NEW YORK,  
AS DESCRIBED IN THE REVISED STATUTES.<sup>1</sup>

CHAPTER I.

*Of the Boundaries of the State and its Territorial  
Jurisdiction.*

TITLE 1. Of the boundaries of the state.

TITLE 2. Of the sovereignty and jurisdiction of the state.

TITLE 3. Of the places ceded to the United States.

TITLE I.

*Of the Boundaries of the State.*

SEC. 1. Description of the boundaries of the state.

SECTION 1. It being deemed useful for the information of the citizens and officers of this state, that its boundaries, so far as its jurisdiction is now asserted, should be declared, it is therefore declared, that the state of New-York is bounded as follows: Beginning at Lyon's point in the mouth of a brook or river called Byram river, where it falls into Long-Island sound, and running thence up along said river to a rock at the ancient road or wading place in said river, which rock bears north twelve degrees and forty-five minutes east, five hundred and fifty rods from said point; then north twenty-three degrees and forty-five minutes west, two thousand two hundred and ninety-two rods; then east-north-east thirteen miles and sixty-four rods, which lines were established in the year one thousand seven hundred and twenty-five, by Francis Eastern.

<sup>1</sup> This legal description, though anticipating, in some of its details, records of official acts hereafter to be given in Part second, under the head of "Field Work," etc., properly concludes Part first (relative to territorial extent, and boundaries in general) of the present work.—[P.

Harrison, Cadwallader Colden and Isaac Hicks, commissioners on the part of the then province of New-York, and Jonathan Law, Samuel Eells, Roger Wolcott, John Copp and Edmund Lewis, commissioners on the part of the then colony of Connecticut, and were run as the magnetic needle then pointed : then along an east-north-east continuation of the last mentioned course, one mile three-quarters of a mile and twenty-one rods, to a monument erected in the year one thousand seven hundred and thirty-one, by Cadwallader Colden, Gilbert Willet, Vincent Matthews and Jacobus Bruyn junior, commissioners on the part of said province, and Samuel Eells, Roger Wolcott and Edmund Lewis, commissioners on the part of said colony ; which said monument is at the south-east corner of a tract, known and distinguished as the oblong or equivalent lands ; then north twenty-four degrees and thirty minutes west, until intersected by a line run by said last mentioned commissioners on a course south twelve degrees and thirty minutes west, from a monument erected by them in the south bounds of Massachusetts ; which monument stands in a valley in the Taghkanick mountains, one hundred and twenty-one rods eastward from a heap of stones, in said bounds on the top or ridge of the most westerly of said mountains ; then north twelve degrees and thirty minutes east, from a monument, erected by said last mentioned commissioners at said place of intersection and standing on the north side of a hill southeasterly from the easternmost end of the long pond, along the aforesaid line to the aforesaid monument erected in the south bounds of Massachusetts, being the northeast corner of the oblong ; then west nine degrees south along the north bounds of the oblong, one mile three-quarters of a mile twenty-one rods and five links, to a monument erected by said commissioners at the northwest corner of the oblong, and at the distance of twenty miles from Hudson's river ; which four last mentioned lines were established by said last mentioned commissioners, and were run by them as the magnetic needle pointed in the year one thousand seven hundred and thirty-one ; then north fifteen degrees twelve minutes and nine

seconds east, along the line established in the year one thousand seven hundred and eighty-seven, by Thomas Hutchins, John Ewing, and David Rittenhouse, commissioners appointed by the United States in congress assembled, fifty miles forty-one chains and seventy-nine links, to a red or black oak tree marked by said commissioners, which said line was run by said last mentioned commissioners as the magnetic needle pointed in the year one thousand seven hundred and eighty-seven; then north eighty-two degrees and twenty minutes west, as the magnetic needle pointed in the year one thousand eight hundred and fourteen, fifty chains to a monument erected for the south-west corner of the State of Vermont, by Smith Thompson, Simeon De Witt and George Tibbits, commissioners on the part of this state, and Joseph Beeman junior, Henry Olin and Joel Pratt second, commissioners on the part of the state of Vermont, which monument stands on the brow of a high hill, descending to the west; then northerly in a straight line to a point which is distant ten chains, on a course south thirty-five degrees west, from the most westerly corner of a lot of land distinguished in the records of the town of Pownal, in the state of Vermont, as the fifth division of the right of Gamaliel Wallace, and which in the year one thousand eight hundred and fourteen, was owned and occupied by Abraham Vosburgh; then north thirty-five degrees east to said corner, and along the westerly bounds of said lot, thirty chains to a place on the westerly bank of Hosick river, where a hemlock tree heretofore stood, noticed in said records as the most northerly corner of said lot; then north one degree and twenty minutes west, six chains to a monument erected by the said commissioners, standing on the westerly side of Hosick river on the north side of the highway leading out of Hosick into Pownal, and near the north-westerly corner of the bridge crossing said river; then north twenty-seven degrees and twenty minutes east, thirty chains through the bed bank thereof; then north twenty-five degrees west, sixteen of the said river, to a large roundish rock on the north-easterly chains and seventy links; then north nine degrees west,

eighteen chains and sixty links to a white oak tree at the southwest corner of the land occupied in one thousand eight hundred and fourteen, by Thomas Wilsey; then north eleven degrees east, seventy-seven chains to the north side of a highway, where it is met by a fence dividing the possession of said Thomas Wilsey junior, and Emery Hunt; then north forty-six degrees east, six chains; then south sixty-six degrees east, twenty-six chains and twenty-five links; then north nine degrees east, twenty-seven chains and fifty links, to a blue slate stone anciently set up for the southwest corner of Bennington; then north seven degrees and thirty minutes east, forty-six miles forty-three chains and fifty links to a bunch of hornbeam saplings on the south bank of Poultney river, the northernmost of which was marked by said last mentioned commissioners, and from which a large butternut tree bears north seventy degrees west, thirty links, a large hard maple tree south two chains and eighty-six links, and a white ash tree on the north side of said river, north seventy-seven degrees east; which said several lines from the monument erected for the southwest corner of the state of Vermont, were established by said last mentioned commissioners, and were run by them as the magnetic needle pointed in the year one thousand eight hundred and fourteen; then down the said Poultney river through the deepest channel thereof, to East Bay; then through the middle of the deepest channel of East Bay and the waters thereof, to where the same communicate with Lake Champlain; then through the middle of the deepest channel of Lake Champlain to the eastward of the islands called the Four Brothers, and the westward of the islands called the Grand Isle and Long Isle, or the Two Heroes, and to the westward of the Isle-La-Mott to the line in the forty-fifth degree of north latitude, established by treaty for the boundary line between the United States and the British dominions; then Northern west along said line to the River St. Lawrence; then along the line established by the commissioners appointed under the sixth article of the treaty of Ghent, and into and up the said River St. Lawrence to the waters of Lake Ontario;

then along the said line through the waters of said lake and of the Niagara river to the waters of Lake Erie; then Western. westerly through the same, and along the said line, until intersected by a meridian line drawn through the most westerly bent or inclination of Lake Ontario; then south along said meridian line to a monument in the beginning of the forty-third degree of north latitude, erected in the year one thousand seven hundred and eighty-seven, by Abraham Hardenburgh and William W. Morris, commissioners on the part of this state, and Andrew Ellicott and Andrew Porter, commissioners on the part of the state of Pennsylvania, for the purpose of marking the termination of the line of jurisdiction between this state and the said state of Penn- Southern. sylvania;<sup>1</sup> then east along the line established and marked by the said last mentioned commissioners to the ninetieth milestone in the same parallel of latitude, erected in the year one thousand seven hundred and eighty-six, by James Clinton and Simeon De Witt, commissioners on the part of this state, and Andrew Ellicott, commissioner on the part of Pennsylvania, which said ninetieth milestone stands on the western side of the south branch of the Tioga river; then east along the line established and marked by said last mentioned commissioners, to a stone erected in the year one thousand seven hundred and seventy-four on a small island in the Delaware river, by Samuel Holland and David Rittenhouse, commissioners on the part of the colonies of New-York and Pennsylvania, for the purpose of marking the beginning of the forty-third degree of north latitude; then down along said Delaware river to a point opposite to the fork or branch formed by the junction of the stream called Mahackamack with the said Delaware river, in the latitude of forty-one

<sup>1</sup> It is noticeable that the above description of the western boundary does not state (as is usual in regard to other boundaries), when, by whom, or under what authority it was established and run; and it will hereafter appear, from documentary evidence, that the "monument at the beginning of the forty-third degree of north latitude" was not erected at the time, by the persons, or for the purpose stated in the text of the Revised Statutes. —[P.

degrees twenty-one minutes and thirty-seven seconds north; then in a straight line to the termination, on the east bank of the Delaware river, of a line run in the year one thousand seven hundred and seventy-four, by William Wickham and Samuel Gale, commissioners on the part of the then colony of New York, and John Stevens and Walter Rutherford, commissioners on the part of the then colony of New-Jersey; then along said line to a rock on the west side of Hudson's river, in the latitude of forty-one degrees north, marked by said commissioners; then southerly along the west shore, at low water mark of Hudson's river, of the Kill Van Kull, of the sound between Staten island and New-Jersey, and of Rariton bay, to Sandy hook; and then to the place of beginning, in such manner as to include Staten Island, and the islands of meadow on the west side thereof, Shooter's Island, Long Island, the Isle of Wight, now called Gardiner's Island, Fisher's Island, Shelter Island, Plumb Island, Robin's Island, Ram Island, the Gull Islands, and all the islands and waters in the Bay of New-York, and within the bounds above described.<sup>1</sup> — [*N. Y. Revised Statutes*, 1829, i, 61-65; 5th Ed. i, 77-80.

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[On the 16th of September, 1833, an agreement was concluded between commissioners mutually appointed by the State of New York and the State of New Jersey, relative to the boundary line between the two states, which was ratified by their respective legislatures and approved by congress.

The confirmation by the State of New York was made by chapter 8 of Laws of 1834, which is here inserted.]

The agreement entered into between the commissioners appointed by this state, and the commissioners appointed by the State of New Jersey, to settle the boundary line between New York and New Jersey, in the words following, viz.:

*“Agreement made between the commissioners on the part of the State of New York and the commissioners on the part of the State of New Jersey, relative to the boundary line between the two states.*

Agreement made and entered into by and between Benjamin F. Butler, Peter Augustus Jay and Henry Seymour, commis-

<sup>1</sup> Compiled from documents in the office of the secretary of state.

sioners duly appointed on the part and behalf of the State of New York, in pursuance of an act of the legislature of the said state, entitled 'An act concerning the territorial limits and jurisdiction of the State of New York and the State of New Jersey,' passed January 18th, 1833, of the one part, and Theodore Frelinghuysen, James Parker and Lucius Q. C. Elmer, commissioners duly appointed on the part and behalf of the State of New Jersey, in pursuance of an act of the legislature of the said state, entitled 'An act for the settlement of the territorial limits and jurisdiction between the States of New Jersey and New York,' passed February 6th, 1833, of the other part.

ARTICLE FIRST. The boundary line between the two states of New York and New Jersey, from a point in the middle of Hudson river opposite the point on the west shore thereof, in the forty-first degree of north latitude, as heretofore ascertained and marked, to the main sea, shall be the middle of the said river, of the bay of New York, of the waters between Staten island and New Jersey, and of Raritan bay to the main sea, except as hereinafter otherwise particularly mentioned.

ARTICLE SECOND. The State of New York shall retain its present jurisdiction of and over Bedlow's and Ellis' islands, and shall also retain exclusive jurisdiction of and over the other islands lying in the waters above mentioned, and now under the jurisdiction of that state.

ARTICLE THIRD. The State of New York shall have and enjoy exclusive jurisdiction of and over all the waters of the Bay of New York, and of and over all waters of Hudson river lying west of Manhattan island and to the south of the mouth of Spuytenduyvel creek, and of and over the lands covered by the said waters to the low water mark on the westerly or New Jersey side thereof; subject to the following rights of property and of jurisdiction of the State of New Jersey, that is to say:

1. The State of New Jersey shall have the exclusive right of property in and to the land under water lying west of the middle of the Bay of New York, and west of the middle of that part of the Hudson river which lies between Manhattan island and New Jersey.

2. The State of New Jersey shall have the exclusive jurisdiction of and over the wharves, docks and improvements made, and to be made, on the shore of the said state, and of and over all vessels aground on said shore, or fastened to any such wharf or dock; except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New York, which now exist or which may hereafter be passed.

3. The State of New Jersey shall have the exclusive right of regulating the fisheries on the westerly side of the middle of the said waters, provided that the navigation be not obstructed or hindered.

ARTICLE FOURTH. The State of New York shall have exclusive jurisdiction of and over the waters of the Kill Van Kull, between Staten island and New Jersey, to the westernmost end of Shooter's island, in respect to such quarantine laws and laws relating to passengers as now exist, or may hereafter be passed under the authority of that state, and for executing the same; and the said state shall also have exclusive jurisdiction for the like purposes, of and over the waters of the sound, from the westernmost end of Shooter's island to Woodbridge creek, as to all vessels bound to any port in the said State of New York.

ARTICLE FIFTH. The State of New Jersey shall have and enjoy exclusive jurisdiction of and over all the waters of the sound between Staten island and New Jersey, lying south of Woodbridge creek, and of and over all the waters of Raritan bay lying westward of a line drawn from the light-house at Prince's bay to the mouth of Mattavan creek, subject to the following rights of property and of jurisdiction of the State of New York:

1. The State of New York shall have the exclusive right of property in and to the land under water, lying between the middle of the said waters and Staten island.

2. The State of New York shall have the exclusive jurisdiction of and over the wharves, docks and improvements made, and to be made, on the shore of Staten island; and of and over all vessels aground on said shore, or fastened to any

such wharf or dock, except that the said vessel shall be subject to the quarantine or health laws, and laws in relation to passengers, of the State of New Jersey, which now exist, or which may hereafter be passed.

3. The State of New York shall have the exclusive right of regulating the fisheries between the shore of Staten island and the middle of the said waters, provided that the navigation of the said waters be not obstructed or hindered.

ARTICLE SIXTH. Criminal process issued under the authority of the State of New Jersey, against any person accused of an offense committed within that state; or committed on board of any vessel being under the exclusive jurisdiction of that state as aforesaid; or committed against the regulations made or to be made by that state, in relation to the fisheries mentioned in the third article; and also civil process issued under the authority of the State of New Jersey against any person domiciled in that state, or against property taken out of that state to evade the laws thereof; may be served upon any of the said waters within the exclusive jurisdiction of the State of New York, unless such person or property shall be on board a vessel aground upon, or fastened to the shore of the State of New York, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the State of New York.

ARTICLE SEVENTH. Criminal process issued under the authority of the State of New York, against any person accused of an offense committed within that state; or committed on board of any vessel being under the exclusive jurisdiction of that state as aforesaid; or committed against the regulations made or to be made by that state, in relation to the fisheries mentioned in the fifth article; and also civil process issued under the authority of the State of New York, against any person domiciled in that state, or against property taken out of that state to evade the laws thereof; may be served upon any of the said waters within the exclusive jurisdiction of the State of New Jersey, unless such person or property shall be on

board a vessel aground upon, or fastened to the shore of the State of New Jersey, or fastened to a wharf adjoining thereto; or unless such persons shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the State of New Jersey.

ARTICLE EIGHT. This agreement shall become binding on the two states when confirmed by the legislatures thereof respectively, and when approved by the congress of the United States.

Done in four parts (two of which are retained by the commissioners of New York, to be delivered to the governor of that state, and the other two of which are retained by the commissioners of New Jersey, to be delivered to the governor of that state,) at the city of New York, this sixteenth day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the independence of the United States the fifty-eighth.

(Signed),      B. F. BUTLER,  
PETER AUGUSTUS JAY,  
HENRY SEYMOUR,  
THEO. FRELINGHUYSEN,  
JAMES PARKER,  
LUCIUS Q. C. ELMER.

Is hereby ratified and confirmed on the part of the State of New York."

[The boundary line between the commonwealth of Massachusetts and the State of New York was changed, in the year 1855, by the acceptance, on the part of New York, of sovereignty and jurisdiction over a portion of the commonwealth of Massachusetts ceded to the State of New York in the year 1853, and the approval of Congress, January 3, 1855.

The acceptance by the State of New York is in chapter 586 of Laws of 1853, which is here inserted.]

\* § 1. Sovereignty and jurisdiction over that portion of the territory of the commonwealth of Massachusetts, known as the district of Boston corner, situate in the southwesterly corner of the said commonwealth of Massachusetts, and westerly of

the southwest line of the town of Mount Washington, in the county of Berkshire, ceded to the State of New York, upon certain conditions, by an act of the legislature of the said commonwealth, passed in May, 1853, entitled "An act relating to the separation of the district of Boston corner from this commonwealth, and the cession of the same to the State of New York," is hereby accepted by the State of New York: this section, however, is not to take effect until the congress of the United States shall consent to such cession and annexation. [1853, *ch.* 586, § 1.]

\* § 2. Until the proclamation, provided in the third section of the act of the legislature of the said commonwealth, referred to in section one of this act, shall be issued, the courts of the said commonwealth of Massachusetts shall have authority to take and hold effectual civil and criminal jurisdiction in any cause or matter pending, or which shall have arisen anterior to the issuing of the said proclamation. [*Same ch.*, § 2.]

\* § 3. His excellency, the governor of this state, for the better defining the limits and extent of the territory mentioned in this act, shall appoint a suitable person to act in conjunction with proper authorities of the commonwealth of Massachusetts, who shall cause an accurate survey and map to be made of the said territory, and shall cause sufficient monuments to be erected in and along the eastern boundary line of said territory, and shall cause the said map and survey to be duly authenticated and filed in the office of the secretary of this state, as record evidence of the extent and limits of such cession. [*Same ch.*, § 3.]

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— [*N. Y. Rev. Statutes*, 5th Ed., i, 80–84.]

PART II.

FIELD WORK AND OTHER MATTERS RELATING TO THE  
DETERMINATION OF THE SEVERAL BOUNDARY LINES,  
AND TO THE ERECTION OF MONUMENTS THEREON.

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DETERMINATION OF THE NEW YORK AND PENNSYLVANIA  
JOINT BOUNDARY LINE.

*To the Kings most excellent Majesty in Council.*

The humble Petition of Thomas Penn and John Penn Proprietaries of Your Majesty's Province of Pennsylvania in America [August 26, 1774].

SHEWETH

THAT on the 4<sup>th</sup> day of March 1680 His late Majesty King Charles the Second was graciously pleased By Letters Patent under the Great Seal to Grant unto William Penn Esquire (late Father of your Petitioner Thomas Penn and Grandfather of your Petitioner John Penn) in Fee the said Province of Pennsylvania

THAT the Extent and Bounds of the said Province were expressed in the said Letters Patent in the following Words (that is to say)                   \*                   \*                   \*                   \*

THAT the said William Penn and his Children claiming under him have as they humbly hope answered the Purposes for which the said Province was granted                   \*                   \*

THAT the Boundary Line of the said Province of Pennsylvania hath now been finally adjusted and settled between your Petitioners and the late Right Honorable Frederick Lord Baron of Baltimore in the Kingdom of Ireland Proprietor of the Province of Maryland.                   \*                   \*

THAT at the Time of the making of the said Grant to the said William Penn the Continent of America was not so well understood as the same hath been of later Years for your Peti-

tioners conceive that the province of Maryland (which was granted prior to that of Pennsylvania) as bounded by the Line drawn by the said Commissioners extends now considerably farther Northward than it was apprehended the same would have extended at the Time of the Grant to the said William Penn and it is now certainly known that the Circle at twelve Miles distance from New Castle can never touch the beginning of the fortieth Degree of northern Latitude as the said Grant of the said Province of Pennsylvania supposed; Your Petitioners therefore could not have three Degrees of Latitude according to the Intention of their Grant without encroaching upon the Province of Maryland and the Line between your Petitioners and Lord Baltimore which ought to have been run due West from the Circle twelve miles distant from New Castle at the beginning of the fortieth degree of northern Latitude was run in that direction towards the end of the said fortieth Degree but to the manifest prejudice of your Petitioners Wherefore your Petitioners apprehend that to the Westward of Maryland where no other Grant interferes they ought to have the whole Extent of three Degrees of Latitude, viz<sup>t</sup>: from the beginning of the fortieth to the beginning of the forty third Degree of northern Latitude.

THAT your Petitioners also apprehend it is now certainly known that the said River Delaware doth extend to and beyond the beginning of the three and fortieth Degree of Northern Latitude from twelve miles distance Northwards of New Castle Town yet still the spot at which the two and fortieth Degree of Northern Latitude doth end and the forty third Degree doth begin hath never been fixed and the whole Northern and Western Boundaries and the Southern Boundary to the Westward of Maryland remain yet to be drawn.

THAT great numbers of People under Grants from the Province of New York are settled and daily settling in those Parts where (as your Petitioners apprehend) the Northern Boundary of the said Province of Pennsylvania according to the Intention of their Charter ought to run and others are settled and daily settling without any Grants whatever in those

Parts where (as your Petitioners apprehend) the Western Boundary of the said Province ought to run, and an Application having lately been made to your Majesty for erecting into separate Province a large Tract of Land on the River Ohio to the Westward of Pennsylvania unless the Bounds of the Province of Pennsylvania be set out and ascertained Your Petitioners apprehend great Contentions may hereafter arise between the Inhabitants of the said Province and those claiming to be within the Lines of New York or of such other Province as may be erected to the Westward of Pennsylvania and many Outrages be committed the Perpetrators whereof by reason of the uncertainty of the said Northern and Western Boundaries will with difficulty be made amenable to the Justice of any of the said Provinces.

\* \* \* \*

WHEREFORE your Petitioners most humbly pray your Majesty that you will be graciously pleased to order such disinterested Persons in those Parts as your Majesty shall think most proper to be appointed with Power to join with such Persons as shall be named by your Petitioners for the marking and ascertaining the Beginning of the forty third Degree of Northern Latitude on the said River Delaware and for the marking and ascertaining a strait Line to the Extent of five Degrees in Longitude due West from the Place which shall be ascertained to be the beginning of the forty third Degree of Northern Latitude to be fixed and settled as the Northern Boundary of the said Province of Pennsylvania and for the marking and ascertaining a Line due South from the Western Bounds of the said Province of Maryland to the Beginning of the fortieth Degree of Northern Latitude \* \* All which your Petitioners have thought it right to submit to your Majesty's Wisdom in Order that your Majesty may if you shall so please give Directions that the said Lines may accordingly be run to prevent any dispute which may hereafter arise touching the Boundaries of the said Province.

AND your Petitioners (as in all Duty bound) shall ever pray &c<sup>a</sup>.

—[*N. Y. Col. MSS.*, c, 147.]

Gov. COLDEN, N. Y., TO Gov. PENN, PA., 1774.

New York, 22d August, 1774.

Sir,

I have the Honor of your Letter of the 11th of this Month, with a Copy of the Petition of the Proprietors of Pensilvania to the King. It seems very reasonable, and I conceive no Objection can be made to it on the Part of this Province. I am entirely of your Opinion that the ascertaining and establishing the Boundaries between the Colonies, is a Matter of great Importance to both, and ought to be accomplished without delay. You may, therefore, be assured that I will recommend this Business to the Assembly at their next Session. A Provision for the Expençe must come from them, on which Head I can give no Answer till they meet, which will not probably be before the Winter. Settling the Begining of the 43d Degree of Latitude on Delaware River, would alone be a Point of much Consequence, and might in a great measure be sufficient at present to prevent Eneroachments on either Side. This might be done much sooner, and at much less Expençe, by Commissioners appointed by this and your Province, than if refer'd to Commissioners to be appointed by the King. The Latitude may be determined with the greatest certainty in the months of November and December, by observing the Altitude of the Pole Star, above and below the Pole. In this Method no calculation is necessary, nor is there any Dependance on the previous Work of others.

I shall communicate your Letter and the Copy of the Petition to the Council the first Time they meet

I am with much respect, Sir,

Your most Obedient,

Humble Servant,

CADWALLADER COLDEN.

*Directed*,—Hon<sup>ble</sup> Gov<sup>r</sup>. Penn.

—[*Penn. Arch.*, iv, 562.]

At a Council held at the Council Chamber in the City of New York, on Thursday the first day of September 1774

\* \* \* \*

The Petition of Thomas and John Penn Esquires Proprietors of the Province of Pennsylvania to his Majesty, and Governor Penn's Letter to his Honor the Lieutenant Governor, were severally Read; and his Honor requiring the opinion of the Council thereupon; The Council humbly Advise that His Honor do Signify to Governor Penn, that they conceive it to be very expedient, that the Limits of this and the Province of Pennsylvania be speedily ascertained and marked out. But that no Engagement can be made for bearing any Part of the Expences until the General Assembly have taken the Subject Matter of Governor Penn's Letter into Consideration.

\* \* \* \*

—[*N. Y. Council Minutes, MS.*, xxvi, 407; *Penn. Arch.*, iv, 576.

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New York, 24th Sept'r, 1774.

Sir:

By the inclosed Minute of Council, you will be made acquainted with the sentiments of his Majesty's Council of this Province, upon the Letter of the 11th of last month, which I had the honor to receive from you, with the Copy of your Petition to the King.

In the Conversation which I had with the Gentlemen of the Council upon this Occasion, they were of Opinion that the Assembly would not be induced to bear our Proportion of the Expence of running the whole Northern Boundary of Pennsylvania, which extends so much farther westward, than We have any probability of settling in many years. Our Assembly have experienced such a heavy expence attending the appointment of Commissioners under the Great Seal of England, that it may even be apprehended they will not at any rate, choose to engage in that way. But We do not doubt they would be willing to join with you in Appointing two Gentlemen, one of each Province, to determine the Latitude on Delawar River,

and the northern Boundary, so far as there is any room to imagine the Settlements on either side can extend for a considerable Time to come. In which way it may be done very effectually, at much less Expence.

Your most Obedient,  
Humble Servant,  
CADWALLADER COLDEN.

*Directed,*  
Hon<sup>ble</sup> Gov. Penn.  
—[*Penn. Arch.*, iv, 578.

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At a Council held at the Council Chamber in the city of New York on Tuesday the Eighth day of November 1774.

\*                      \*                      \*                      \*

His Honor the Lieutenant Governor laid before the Board a Letter from The Hon<sup>ble</sup>: John Penn Esq: Governor of Pennsylvania informing his Honor, that the Surveyors on the Part of that Province, were set out, and requesting his Honor would direct the Surveyor on the Part of this Province to proceed as soon as possible to the River Delaware, and in conjunction with the Pennsylvania Surveyors to fix the Forty second Degree of North Latitude being the Boundary between the two Provinces. And the said Letter having been read, the council humbly advise that his Honor do request Cap<sup>t</sup> Holland to act as Surveyor on the Part of this Province, and instruct him to act in Conjunction with the Surveyors on the part of Pennsylvania in ascertaining the said Latitude of Forty two Degrees North being the Boundary before mentioned.

\*                      \*                      \*                      \*

—[*N. Y. Council Minutes, MS.*, xxvi, 413.

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At a Council held at the Council Chamber in the City of New York, on Wednesday the twenty fifth day of January, 1775.

\*                      \*                      \*                      \*

His Honor laid before the Board the Report of the Commissioners who were appointed on the Part of this Province,

and on the Part of the Province of Pennsylvania to fix the Beginning of the 43<sup>d</sup> Degree of North Latitude on the Mohawks or Western Branch of Delaware River, which Latitude is the Division Line between the said Provinces. And the said Report having been read: It is Ordered by his Honor with the Advice of the Council, that the said Report be Filed in the Secretary's Office, and also entered at large upon the Minutes of this Board.

WHEREAS the Honorable Cadwalader Colden Esquire Lieutenant Governor of the Province of New York with the Advice of his Majesty's Council did on the Eighth Day of November last, Nominate and appoint Samuel Holland Esquire &c to proceed in conjunction with M<sup>r</sup> David Rittenhouse, or such Person as might be appointed on the part of the Province of Pennsylvania to fix the beginning of the 43<sup>d</sup> Degree of North Latitude on the Mohawk or Western Branch of Delaware, and to proceed Westward as far as the Season would permit along the Beginning of the said Degree which is the Boundary between the Provinces of New York and Pennsylvania. AND WHEREAS the Honorable John Penn Esquire Governor &c<sup>a</sup>. of Pennsylvania did on the twenty fourth Day of October last nominate and appoint the said David Rittenhouse to proceed on the like Service in Conjunction with the said Samuel Holland or such Person as should be appointed on the Part of the Province of New York; Now We the said Samuel Holland and David Rittenhouse beg Leave to make the following joint Report of our Work viz<sup>t</sup>.

HAVING in proceeding up the said River made several Observations with a good Hadley's Quadrant, in order to Determine nearly the Latitude required, We fixed our Instruments on the spot marked A in the Annexed Draught as most convenient for our purpose, particularly an excellent Astronomical Sector of six feet Radius made by Mr Bird, with which we made the following Observations, when the several Stars were on our Meridian.

1774

Nov <sup>r</sup> 19 <sup>th</sup>	Zenith distance of a Lyra + refraction = $3^{\circ}$ .	24' . 40"
23	Zenith distance of a Cygni + refraction = 2	29    23
24	Zenith distance of a Lyra + refraction = 3	24    38
24	Zenith distance of a Cygni + refraction = 2	29    22
26	Zenith distance of Castor + refraction = 9	38    36
27	Zenith distance of a Lyra + refraction = 3	24    39
27	Zenith distance of a Cygni + refraction = 2	29    18

From the above Observations compared with the Declination of the Stars as determined by D<sup>r</sup> Bradley, corrected by Aberration and Nutation We concluded our Latitude to be  $42^{\circ} 00' 1''.3$  that is 132 feet too far North allowing 102 feet to a Second, Double this distance viz 264 feet We measured on a Line bearing S  $60^{\circ}$  E in order to avoid the River, and there in a small Island marked B in the Draught planted a Stone with the Letters <sup>NEW-YORK.</sup><sub>1774</sub> Cut on one side and on the Top LAT.  $42^{\circ}$  VAR.  $4^{\circ} 20'$  Thence due West on the West side of Delaware River, We collected a Heap of Stones at High Water mark and in the said West line 4 Perches distant planted another Stone as at C with the Letters <sup>PENNSYLVANIA</sup><sub>1774</sub> Cut on the South side and on the Top Lat.  $42^{\circ}$  Var.  $4^{\circ} 20'$  and from thence due West 18 P. marked an Ash Tree. But the rigour of the Season prevented us from proceeding further.

SAMUEL HOLLAND  
DAVID RITTENHOUSE

Dated at Philadelphia    }  
the 14<sup>th</sup>. December 1774 }

—[*N. Y. Council Minutes*, MS., xxvi, 417, 418.

For the "Draught" above referred to, see *Portfolio Map* 211, N. Y. Sec'y of State's office.

[IN N. Y. GENERAL ASSEMBLY.]

*Die Jovis, 10 ho. A. M. the 26th January, 1775.*

\* \* \* \*

A message from his honor the Lieut. Governor, by Mr. Bayard, deputy secretary ; and the same being read, is in the words following, viz.

GENTLEMEN,

In the month of August last, Governor Penn made an overture to me, for settling the boundary line between this province and Pennsylvania. He very justly observed that, as the settlements under both governments were daily approaching the line, it was of great importance to have the boundary marked without delay. The gentlemen of the council were of opinion, that it would be sufficient at this time, to find the beginning of the 43d degree of latitude upon the Delaware and Susquehannah rivers ; to mark those points, and so much of the boundary line as lies between them. They advised me to appoint Samuel Holland, Esquire, to perform the work on the part of this province, in conjunction with the persons whom Governor Penn should appoint on the part of Pennsylvania.

Mr. Holland and Mr. Rittenhouse went upon this work in November last, and fixed the latitude on Delaware river. They met with unexpected fatigue and danger, from the severity of the weather, which made it impossible for them to proceed any farther. I send you Mr. Holland's account ; he has advanced a considerable part of the amount, and I recommend to you, gentlemen, now to make provision for the payment of this service, which I have reason to think has been accurately performed.

CADWALLADER COLDEN

*New-York, 26th January, 1775.*

*Ordered,*

That the said message, and the account therein mentioned, be referred to the consideration of the committee to whom his Honor's speech is committed.

\* \* \* \*

—[*Journal of N. Y. Gen. Assem.*, 1775, pp. 17, 18.

*Die Mercurij, 10 ho. A. M. the 15th March, 1775.*

\* \* \* \*

The order of the day being read, the house resolved itself into a committee of the whole house, upon his Honor's speech, messages, &c. [and sundry resolutions were adopted].

\* \* \* \*

*Resolved,*

That it is the opinion of this committee, that there be allowed unto Samuel Holland, Esq. for his services on the part of this colony, in conjunction with Mr. Rittenhouse, on the part of Pennsylvania, in fixing the beginning of the 43d degree of latitude upon the river Delaware, as per account, the sum of £202 13 6.

\* \* \* \*

*Ordered,*

That a bill be brought in pursuant to the said resolutions.

\* \* \* \*

—[*Journal of N. Y. Gen. Assem.*, 1775, pp. 72, 73, 76.]

State of Pennsylvania, In General Assembly,  
Monday, September 15, 1783, A. M.

The report of the committee appointed to hold conferences with the city merchants, read September 10, was read the second time, and adopted as follows, viz ;

That they have had sundry conferences with a committee of the merchants of Philadelphia touching the inland commerce of this State, that they are sorry to find the same subjected to so many obstructions owing to the ruinous condition of the public roads throughout this State—no object however strikes your committee in so forcible a manner, as that of conducting the streams of commerce from the river Susquehanna to the port of Philadelphia;       \*               \*               \*

Philadelphia;                \*                                 \*

Your Committee therefore offer the following resolutions to the honorable House.

\* \* \* \*

Third,—To examine the navigation of the Susquehanna to the sources of the same, and ascertain as near as conveniently may be, where the northern boundary of this state will fall, particularly whether any part of lake Erie is within the state of Pennsylvania, taking particular notes of the nature and geography of the county as to the practicability of roads, water carriage, air, soil, natural productions, &c.

\* \* \* \*

—[*Penn. Arch.*, x, 128, 129.

Saturday, September 20, 1783, A. M.,

Agreeable to the order for the day, the House proceeded to elect six Commissioners for the purposes expressed in the resolution adopted September 15, and the ballots being taken, it appeared, \* \* that William Maclay, James Wilkinson and William Montgomery, Esquires, were also duly elected for the performing the duties mentioned in the third and in the last of those resolutions.

—[*Penn. Arch.*, x, 129-130.

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State of Pennsylvania In General Assembly, 1785.

Friday February 18, 1785. A. M.

The report of the committee appointed to confer with the Commissioners &c., read February 16, was read the second time and adopted as following (viz.)

The committee appointed on the eleventh instant to confer with the Commissioners elected in pursuance of the third resolution of the General Assembly, adopted the fifteenth day of September 1783, to examine the navigation of the Susquehanna, and to ascertain as near as conveniently may be where the northern boundary of this State will fall &c., beg leave to report.

That the ascertaining of the Northern boundary of this State is rendered the more immediately necessary by the late purchase of territory from the Indians, and the design of opening the Land Office for the Sale of lands bordering on the said boundary especially as your committee are well

informed that the six nations of Indians have appointed one of their Chiefs to attend the Commissioners on the part of this State in running and marking the said boundary line as early as the season will admit.

\* \* \* \*

That your committee have conferred with two of the said Commissioners, and find that they are nearly prepared and propose to set out on the business about the first of April, but as greater accuracy seems now to be requisite in ascertaining the northern boundary, than was formerly in contemplation, a further supply of mathematical instruments may be necessary.

Your committee therefore offer the following resolutions.

Resolved, That the Commissioners appointed in pursuance of the said third resolution of the General Assembly of this State, adopted on the fifteenth of September 1783, be directed to proceed as early as may be to execute the objects of their appointment so far as may be done without proceeding up the Susquehanna beyond the limits of this State, being careful to mark the northern boundary line thereof in such manner as that the same may be readily known and understood by the Surveyors and settlers, also by the Indians who may approach the same.

Resolved, [this resolution authorizes the payment of sums necessary for purchasing instruments, provisions and other necessities for the said service, not exceeding fifty pounds to each of the said Commissioners].

Resolved, That the President and Supreme Executive Council of this State be desired to inclose the foregoing resolutions to the Governor of the State of New York and to request that Commissioners on the part of that State may be appointed to run and mark a temporary line between the States of Pennsylvania and New York, in conjunction with the Commissioners of this State; and that the Commissioners of this State be directed to meet at the north-east corner of this State, or Station point as heretofore settled, on the first day of April next.

\* \* \* \*

—[*Penn. Arch.*, x, 412, 413.]

In Council, February 19th, 1785.

Sir,

We inclose Resolutions passed yesterday by the General Assembly of this Commonwealth and request that Commissioners on the part of your State, may be appointed to run & mark a temporary Line, according to the said Resolutions. The Commissioners on the part of this State are, [names not given.]

I am Sir,  
your most obed. Servt.

JOHN DICKINSON.

*Directed,*

His Excellency the Governor of the State of New York.  
—[*Penn. Arch.*, x, 412, 413.]

Philada. 22nd Feb'y, 1785.

Sir,

In the prosecution of the Duties assigned us, as Commissioners appointed to run the northern Boundary of this State ; we found it necessary to provide ourselves with a transit Instrument which we have bought, Price Thirty Pounds. Please therefore to Order a draught on the Treasurer for said sum ; as also for Fifty Pounds to be charged to, Sir,

Your most obedient  
& Humble Servant,

JOS. MONTGOMERY.

*Directed,*

His Excellency, John Dickinson, Esq., in Council.  
—[*Penn. Arch.*, x, 416.]

*An ACT for running out and marking the jurisdiction Line between this State and the Commonwealth of Pennsylvania.*

Passed 7th March, 1785.

WHEREAS the Honorable *Cadwallader Colden*, Esquire, Lieutenant-Governor of the late Colony, now State, of *New-York*, with the Advice of the then Council, did, on the eighth

Day of *November*, One Thousand Seven Hundred and Seventy-four, nominate and appoint *Samuel Holland*, Esquire, to proceed, in conjunction with Mr. *David Rittenhouse*, or such other Person as might be appointed on the Part of *Pennsylvania*, to fix the Beginning of the Forty-third Degree of North Latitude on the *Mohawk*, or Western Branch of *Delaware*, and to proceed Westward, as far as the Season would permit, along the Beginning of the said Degree, which is the Boundary between this State and the State of *Pennsylvania*: And whereas the Honorable *John Penn*, Esquire, late Governor of the late Colony, now Commonwealth of *Pennsylvania*, did, on the Twenty-fourth Day of *October*, in the Year aforesaid, nominate and appoint the said *David Rittenhouse* to proceed on the like Service, in Conjunction with the said *Samuel Holland*, or such other Person as should be appointed on the Part of the then Colony, now State of *New-York*: And whereas the said *Samuel Holland* and *David Rittenhouse* did, in Pursuance of their said respective Appointments, proceed on the said Business, and made a Return thereof under their Hands, bearing Date at *Philadelphia*, the fourteenth day of *December*, in the same Year; by which Return it appears, that the said Commissioners Ascertained and fixed the Beginning of the Forty-third Degree of North Latitude on the *Mohawk*, or Western Branch of *Delaware*, and there in a small Island planted a Stone, with the Letters, {<sup>NEW-YORK,</sup><sub>1774.</sub>} cut on one Side, and on the Top, LAT.  $42^{\circ}$  : VAR.  $4^{\circ}$  :  $20'$ ; thence due West, on the West side of *Delaware* River, they collected a Heap of Stones at High-Water Mark, and in the said West Line, four Perches distant, planted another Stone, with the Letters, {<sup>PENNSYLVANIA,</sup><sub>1774.</sub>} cut on the South Side, and on the Top, LAT.  $42^{\circ}$  : VAR.  $4^{\circ}$  :  $20'$ ; and from thence due West eighteen Perches, marked an Ash Tree; and that the Rigour of the Season prevented them from proceeding further, as by the Report of the said Commissioners, filed with a Map annexed thereto, and filed of Record in the Secretary's Office of this State, will more fully appear. And whereas it is necessary that said Line should be run out, marked and ascertained;

I. *Therefore, be it Enacted by the People of the State of New-York, represented in Senate and Assembly, and it is hereby Enacted by the Authority of the same,* That the Person administering the Government of this State for the Time being, by and with the Advice and Consent of the Council of Appointment, shall forthwith, after the passing of this Act, appoint and commission, under the Great Seal of this State, three Commissioners; that the said Commissioners, or any two of them, are hereby authorized, on the Part of this State, to meet with such Person or Persons who may be appointed and authorised on the Part of the Commonwealth of *Pennsylvania*, at such Time or Times, Place or Places, as shall be agreed upon and determined by the Persons administering the Government of this State for the Time being, and the Commonwealth of *Pennsylvania*, then and there to run out, mark and ascertain the said Line of Jurisdiction between this State and the Commonwealth of *Pennsylvania*; beginning at the Place so fixed and ascertained by the said Commissioners as above mentioned, on the *Mohawk*, or Western Branch of *Delaware*, at the Beginning of the Forty-third Degree of North Latitude, and from thence to proceed Westward, along the Beginning of the said Forty-third Degree of North Latitude, as far as this State and the said Commonwealth of *Pennsylvania* border on each other.

II. *And be it Enacted by the Authority aforesaid,* That the said Commissioners, or any two of them, be, and they are hereby authorised and empowered to employ a Surveyor or Surveyors, Chain-bearers, and such and so many other Persons as may be found necessary to perform the executive Part, in running, marking and ascertaining the said Line, in Conjunction with such Person or Persons as may be appointed on the part of the Commonwealth of *Pennsylvania*, for that Purpose; and such Line so agreed upon, approved of, and consented to by the said Commissioners, or any two of them, and such Person or Persons as shall be appointed by and on the Part of the Commonwealth of *Pennsylvania*, being reported to the Persons administering the Government of this State,

and the Commonwealth of *Pennsylvania*, for the Time being, and ratified and confirmed by the Legislature of this State and the Legislature of the Commonwealth of *Pennsylvania*, shall hereafter be the Line of Jurisdiction between this State and the Commonwealth of *Pennsylvania*.

III. *And be it Enacted by the Authority aforesaid*, That the said Commissioners, or any two of them, be, and they are hereby authorised, from Time to Time, to draw upon the Treasurer of this State, for such Sums of Money as they shall judge necessary for defraying the Expences of running out, marking and ascertaining the said jurisdiction Line, on the Part of this State, not exceeding in the Whole the Sum of *One Thousand Pounds*, for which they are to be accountable. — [*Laws of N. Y. (Jones and Varick)*, i, 194, 195.<sup>1</sup>

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New York, 11<sup>th</sup> March, 1785.

Sir,

Previous to my receipt of your Excellency's Letter of the 19<sup>th</sup> February, inclosing Resolutions of your General Assembly, a Bill had originated in our Legislature for running and marking the jurisdiction Line between this State and Pennsylvania, which has since passed into a Law, and I have now the Honor to inclose you a Copy of it.

Your Excellency will perceive that instead of a temporary Line between the two States, which appears to be the object of your Assembly, our Law provides for the establishment of a permanent Line; and I flatter myself, that upon a reconsideration of the matter, your Legislature will concur in the Idea. I presume it will be admitted if a temporary Line only was to run, it should be done with accuracy to prevent the obvious inconveniences which the Borderers would be subject

<sup>1</sup>A very inaccurate copy of an Act purporting to be the same as the above, is given in the *Penn. Arch.*, x, 422-424.

An Act supplementary to the above Act, providing for filling vacancies that might occur among the Commissioners, was passed April 21, 1787; see *Jones and Varick*, ii, 172.—[P.]

to as the Settlements advance on either side; and the consequent broils which the two States might be involved in by an incorrect Line in the first Instance, and in this Case there can be but little additional expence incurred in rendering it perfect and permanent.

By the Act, you will observe, it is left with our Council to appoint Commissioners for this Service on the part of this State, which shall be done, and their Names transmitted to your Excellency, and every other necessary Arrangement made on our part for carrying the business into effect, so soon as I shall be informed of the Concurrence of your State.

I have the Honor to be,  
with the highest Respect,  
your Excellency's most Obed<sup>t</sup> Serv<sup>t</sup>,

GEO. CLINTON.

His Excellency Governor Dickinson.

—[*Penn. Arch.*, x, 422.

State of Pennsylvania. — In General Assembly,  
Thursday, March 31, 1785, A. M.

The motion read yesterday was read the second time and adopted as follows, (viz:)

Whereas, it appears by documents and papers laid before this General Assembly, that the Legislature of the State of New York have by law provided for the runing out, marking and ascertaining the boundary line between the Commonwealth of Pennsylvania and the State of New York, so that the same may be the fixed and permanent line of jurisdiction between the said States.

Resolved, that the resolution of the fifteenth day of September, 1783, for appointing Commissioners for certain purposes therein mentioned and the resolution of the eighteenth day of February last, for enlarging the powers of the Commissioners appointed in pursuance of the said resolve of the fifteenth day of September aforesaid, so as to enable them to run out and mark a temporary line of jurisdiction between

this State and the State of New York, be, and the same hereby are, rescinded and made null and void.

Resolved, that the Executive Council be, and the said Council is hereby empowered to draw orders on the Treasurer of this State for the payment of such sum or sums of money as shall appear to be due to each of the said Commissioners for any services due or expences borne by them, or either of them, under their appointment as aforesaid.

\* \* \* \*

—[*Penn. Arch.*, x, 710.]

In Council, April 6<sup>th</sup>, 1785.

Sir,

Your Letter of the 11<sup>th</sup> of last Month, with the Inclosure, we immediately communicated to the General Assembly of this Commonwealth, and now have the Honor of transmitting the Copy of an Act passed by them for ascertaining our common Boundary.

David Rittenhouse & Andrew Porter, Esquires, are appointed by us Commissioners on the part of this State.

I am, with great Regard, Sir,  
your most obed<sup>t</sup> serv<sup>t</sup>,

JOHN DICKINSON.

His Excellency Gov<sup>r</sup> Clinton.

— [*Penn. Arch.*, x, 435.]

Sec'rys Office,

Philad<sup>a</sup>, April 18th, 1785.

Sir,

I have to advise you that under the late Act of Assembly for finally determining the Northern Boundary of this State; David Rittenhouse & And<sup>w</sup> Porter, Esquires, have been appointed to execute that service.

With much respect I am &c.,

JOHN ARMSTRONG, jr., S<sup>y</sup>.

*Directed,*

To William Maclay and Joseph Montgomery, Esq's.

—[*Penn. Arch.*, x, 444.]

New York, 2nd May, 1785.

Sir,

Since I had the Honor of receiving your Excellency's last Letter, —, Philip Schuyler, James Clinton and Simeon De Witt, Esquires have been appointed on the Part of this State for running and ascertaining the jurisdiction Line between your State and this, so that nothing now remains to be done, but the appointing a Time for the commencement of the Business and making the necessary arrangements for carrying it into execution. I should suppose if these were to be submitted to the Gentlemen respectively appointed to perform the service, matters Might be so concerted by them as not only to facilitate it and save expences but so as best to suit their own Private Conveniency. I shall be happy therefore if this sentiment should meet with your Excellency's Concurrence.

I have the Honor to be, Sir,  
your most Obedient Servant,

GEO. CLINTON.

*Directed,*

To His Excellency John Dickinson, Esquire, President of the State of Pennsylvania.

— [*Penn. Arch.*, x, 450.

Gentlemen,

I received the inclosed Letter from Gov'r Clinton late last night; & as his proposal of a Correspondence between you & the Commissioners of the State of New York, appears very proper to be adopted, I think it necessary that the Communication should be made to you, before you set out on your journey to the westward.

I shall be obliged, if you will be pleased to return the inclosure to-day.

I am, Gentlemen,  
your very h'ble ser't

May 8th 1785.

JOHN DICKINSON.

*Directed,*

David Rittenhouse & Andrew Porter, Esquires.

— [*Penn. Arch.*, x, 454.

May 8th, 1785.

Sir,

I thank your Excellency for communicating Governor Clinton's Letter. I likewise received one last evening from Mr. De Witt, one of the Gentlemen appointed by the State of New York for ascertaining the Boundary Line. He proposes their meeting us at Philadelphia to concert measures for carrying the business into execution, and wishes to receive our propositions by the next Post, as he is going to set off soon for Albany. He says they must depend on us for the necessary Instruments. I believe there is no Instrument fit for the purpose in this part of America excepting the 6 feet Sector belonging to Mr. Penn. But I have been for some time employed in making one which will be much more portable than that of Mr. Penn, and, I doubt not, equally accurate. It might soon be finished if I was not obliged to go to the westward.

Whether the Northern Boundary may be deferred to another season Council alone can determine. I wish it might, as it seems scarcely possible to attend to both this Summer; if not I see nothing more eligible than the plan agreed on viz<sup>t</sup>, for me to return some time in June, But I wish to remind your Excellency how little my Constitution is adapted to so much fatigue.

I am, Sir, your Excell'cys,  
very Humble Servant,

DAV. RITTENHOUSE

*Directed,*

His Excellency, John Dickinson, Esquire.

—[*Penn. Arch.*, x, 454.

Secretary's office,

Philadelphia, May 9, 1785.

Sir,

Governor Clinton's letter of the 2d of May with the letters which passed yesterday between you & the President upon it, were this morning laid before Council—who after reconsidering the subject have thought proper to direct, that you &

Coll. Porter should proceed to the westward agreeably to their instructions of the 6th inst. and that you should enter upon an immediate correspondence with the New York Commissioners and with them, determine when you can proceed to ascertain the northern Line.

I am, Sir, with great regard  
your obed. & very hum. serv't

JOHN DICKINSON

*Directed,*

David Rittenhouse & Andrew Porter, Esq's

— [*Penn. Arch.*, x, 455.

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May 12th, 1785.

Dr. Sir,

When the marking a temporary Line between this State and New York was talked of a small astronomical Quadrant was purchased for that purpose, it is very portable and would be useful on the western Line, not for the purpose of running the line or fixing the N. W. corner but for correcting the Geography of the Country, as it is public property and at present in my possession I would not hesitate to take it with me if I was assured that it will not be wanted by the Gentlemen who were going on the temporary Line. I shall be much obliged to you for any information on this matter.

your's with great respect,

DAVID RITTENHOUSE

*Directed,*

Hon. James Irving, Esquire, V. President

— [*Penn. Arch.*, x, 458.

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ANDREW ELLICOTT TO HIS WIFE.

Banks of the Susquehannah, Aug. 6<sup>th</sup>, 1786.

My dear,

Being determined to omit no opportunity of writing to you, I now embrace one with pleasure, nay with more than pleasure, because it recalls to my mind the happiness I enjoy when at Home in my domestic situation—I have just returned from attending divine service of the Indians

in their camp — This will appear no doubt strange to you, but stranger yet when I assure you that I have found more true religion and christianity among them, than with the white inhabitants on the frontier; they are of the church of England and have the service complete in their own language — they sing psalms to admiration; much superior to the Dutch Methodists in Baltimore. Pray do not fail informing our friend Dr. West of this circumstance — The Indian town of Shanang is about 12 miles from our present position. The head Sachem with his family have been with us many days — he has a daughter by the name of *Sally* and a niece who lives with us, and share in all our amusements such as cards, and draughts, commonly called checkards — Commissioner De Witt has taken a picture of the daughter which I intend to have coppied large by Billy West. — So much at present on account of the Indians — our business goes on very well — the New York Commissioners are agreeable and judicious gentlemen, which contributes not a little to render our situation as agreeable as could be expected — but as agreeable as they are I nevertheless dread the departure of my good friend Mr. Rittenhouse whose abilities and industry give me much leisure at present — but as great as his abilities and industry may be, his other qualities still go beyond them — We have our health very well but I have frequently found the gout troublesome, and without ever complaining quietly submit to almost daily attacks — I am so very busy with the stars this night that I neither have time to copy this or even read it after it is written — many particulars I shall write when Mr Rittenhouse returns. Pray remember me to my good friends in Baltimore — and believe me with devout prayers for your welfare and the health of little ones to be,

Your affectionate

& Loving Husband.

10 o'clock at night. (Signed)      AND'W. ELLICOTT

— [*MS. copy, furnished by his grandson, Jos. C. G. Kennedy, of Washington, D. C.*]

Report of Commissioners on Boundary between Pennsylvania  
and New York, [Oct. 12], 1786.

We the subscribers being appointed Commissioners agreeably to Laws severally Enacted by the Legislatures of the commonwealth of Pennsylvania, and the State of New York, for the purpose of running and marking a Boundary Line between the said states, to begin at the River Delaware in forty two Degrees North Latitude, and to continue in the same Parallel of forty two Degrees, to the western Extremity of the sd. states, — Have in conformity to our appointment finished ninety miles of the sd. Boundary, extending from the River Delaware to the Western side of the South Branch of the Tioga River, and marked the same with substantial mile stones. Witness our Hands and seals, this twelfth day of October, in the year one thousand seven hundred and Eighty six, 1786.

ANDW. ELLICOTT, [L. s.] For Pennsylvania.  
JAMES CLINTON, [L. s.] } For New York.  
SIMEON DE WITT, [L. s.] }

— [*Penn. Arch.*, xi, 522.

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New York December 1<sup>st</sup>: 1786.

Sir

By virtue of our Commission and agreeably to the Act of the Legislature made for that purpose we have in conjunction with the Commissioners appointed on the part of the Commonwealth of Pennsylvania run and marked the Jurisdiction Line between the said Commonwealth and this State on the Latitude of forty two Degrees from the Delaware to the South Branch of the Tioga River comprehending ninety Miles as will appear by the Instrument of writing signed by the said Commissioners and herewith enclosed to your Excellency

We have to observe that the accuracy which a work of such importance demands and the difficulty of transporting provisions to a distant part through an uninhabited Country has augmented the expense to a sum higher than what we at first apprehended, altho' we trust that by our accounts it will appear that the greatest Economy has been observed, and that,

if it shall be deemed necessary for this State to prosecute the business the next season in conjunction with Pennsylvania a farther supply by the Legislature for the purpose will be requisite.

The Commissioners of Pennsylvania are directed by a Law of that State to continue the running of the Line even if New York should omit to co-operate with them. we are

Sir, Your Excellency's most Obedient  
and most humble Servants

JAMES CLINTON  
SIMEON DE WITT

His Excellency Governor Clinton

—[*Clinton Papers, MS., N. Y. State Lib., xxi, 5790.*

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In Council,  
Philad<sup>a</sup>, March 15th, 1787.

Sir,

I have the honor to inform your Excellency, that as the Season for resuming the business of the partition line between this State and that of New York is now fast approaching, The Commissioners of this State have it in instruction to communicate with the Commissioners of yours, upon the measures which must necessarily be Concerted previously to their setting off, and that for this purpose will attend at New York on the 25th day of this month.

I am, Sir, with much respect,  
your Excellency's Most Obedient Servant.

His Excellency George Clinton, Esquire, President State of New York.

—[*Penn. Arch., xi, 125.*

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New York, 27 March 1787

Sir

The enclosed are the particulars of the accounts of Expenses incurred in running and marking the Jurisdiction Line

between this State and Pennsylvania the general heads of which have already been exhibited to your Excellency I expected to have had it in my power to present them earlier but the authenticated accounts from the Pennsylvania Gentlemen which Mr Rittenhouse informs me have been sent by the post a considerable time ago have never come to hand.<sup>1</sup> This has obliged me to make a Journey to Philadelphia. The provision and expences were by mutual agreement made a common Charge by which I am persuade they have come lower than otherwise they would have done. The Commissioners of Pennsylvania are directed by the Executive Council to enter again on the business as soon as the season will admit. They are preparing accordingly to commence by the first of June and expect the cooperation of this State.

Enclosed is likewise an Estimate delivered by them of the principal necessities that will be required for the ensuing season which it is supposed will finish the Line. The remoteness of the place from the inhabited Country and the difficulty of transporting heavy articles through the Wilderness will make this seasons work more expensive than the last and a sufficient supply of money will be wanted for the purpose. The duties of my office will not permit me to leave it this summer it will therefore become necessary to have some other Gentleman appointed in my room as a Commissioner.

I shall only farther observe that Pennsylvania has a Purveyor appointed to purchase the Stores superintend the Conveyance of them and have every necessary in order so that the Commissioners have no time to loose from their peculiar employment by making the previous arrangements and continually attending to them. This I mention in order that it

<sup>1</sup>This bill of expenses covers four foolscap pages, and includes, among other items, the wages of sixteen men, at eight dollars each, per month, and an interpreter at ten dollars per month,—for an average period of about four and one-half months; an additional surveyor at two dollars per day for seventy-five days; and, in addition to other supplies, five and one-half barrels (32 gal., each) of rum, two do. of spirits and one-half do. of brandy. —[ P.

may be considered whether a similar appointment with us would not be productive of Economy.

I am Sir  
Your Excellency's most Obed<sup>t</sup>  
Humble Serv<sup>t</sup>.

SIMEON DE WITT

His Excellency the Governor.  
— [*Clinton Papers, MS.*, xxi, 5841.

Baltimore, April 6th, 1787.

Sir,

I have arranged my affairs in this state, and intend setting out for Philadelphia on the last of this month to assist in making such preparations as may be thought necessary to compleat the northern boundary this ensuing summer. In the mean time it may be advisable for Mr. William Armstrong to procure the pack-Horses that may be wanting, and make the other preparations for conveying our Instruments, &c., to Middletown. From that Gentleman's exertions last season, I am induced to place much confidence in him this ——— The Seneca Chiefs who attend on behalf of their nation, will expect two rifled Guns, I remember speaking to you on this subject last fall.      \*                              \*                              \*

I am Sir  
Your Hb'l Serv't,  
AND'W ELLICOTT.

*Directed,*

To Hon'ble Charles Biddle Esqr., Philadelphia.  
— [*Penn. Arch.*, xi, 134, 135.

Baltimore, April 16th, 1787.

Dear Sir,

This day two weeks I shall set out for Philadelphia to attend on the northern boundary, and do think it highly necessary that every thing should be done by the commissary that we

may be enabled to set out for Middle Town by the 7th day of May next. I have procured Horses for myself, in consequence of which I have been under the necessity of drawing upon Mr. Rittenhouse for the sum of sixty pounds, which I desire you would instruct him to pay; the draught is at sixteen days sight, and therefore not payable 'till after I shall have the pleasure of seeing you in Philadelphia.

I am, Sir,

Your Hbl. Servt.,

ANDW. ELLICOTT.

*Directed,*

Hon. Charles Biddle, Esq., Philadelphia.

—[*Penn. Arch.*, xi, 140, 141.

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Sir

William Morris Esquire who will have the Honor of delivering this Letter to your Excellency is one of the Commissioners appointed by this State for running and marking the Jurisdiction Line between your State and this State, and as his Business at Philadelphia is to concert measures for the early commencement of this important Business, and to prevent any Disappointments that might take place as to the necessary previous Preparations, I beg leave to recommend him to your Excellency's attention

I have the Honor to be

Your Excellency's

most Obedient Serv't

[GEORGE CLINTON.]

New York May 3<sup>d</sup>: 1787.

His Excellency Governor Franklin

—[*Clinton Papers, MS.*, xxi, 5856.

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Observatory on the West side of Conawango,  
August 29th, 1787.

Gentlemen,

We now take the earliest opportunity we have had of acquainting you with the progress we have made in the busi-

ness which you have intrusted to us. We arrived at the Cawwanishee Flats on the 11th day of June, where the 90th mile-stone was set up last season.— The Susquehannah was remarkably low, which prevented our Boats making the necessary expedition. From the 90th mile-stone we sent our Instruments up the Thyesa in Canoes about 10 miles; our water-carriage then failed, and we had recourse to our Pack-Horses, but the ruggedness of the country at the Heads of the Susquehannah, Geneseeo and Allegany Rivers, sooned killed, and rendered useless about two-thirds, but fortunately for our business, when the Horses failed, we found ourselves on a small branch of the Allegany River; necessity then pointed out the propriety of using water-carriage as much as possible, we immediately set about making canoes, and by the spirited exertions of our men, with no other implements than three falling Axes, two or three Tomahawks, and a Chisel,  $1\frac{1}{2}$  Inch wide, we had compleated in six days for the use of our Pennsylvania party 5 excellent Canoes, two of which are between 40 and 50 feet in length. These Canoes with our Stores, Instruments and Baggage, we hauled 10 miles down a shallow stream to the main Allegany River, our progress now began to appear less difficult, and we prepared to proceed down the River to a proper place for correcting the random Line by astronomical observation, but the day preceeding our intended movement, we were ordered by the Indians to discontinue the Line 'till after a Treaty should be held. We met them at the time and place appointed, explained the nature and propriety of the business we were about, and finally permitted to proceed. We have notwithstanding these difficulties, compleated the Line to the 167 mile-stone from the Delaware, and expect to have 28 miles more finished in a few days, and the fullest expectation of finishing the business this season in good time, if not impeded by some uncommon difficulty or accident

We have the Honour to be,

Your very Hbl. Servants,

ANDW. ELLICOTT,  
ANDREW PORTER.

*Directed,*

His Excellency, the President and Supreme Executive Council Pennsylvania.

—[*Penn. Arch.*, xi, 178.

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Lake Erie, October 12th, 1787.

Dr. Sir,

We arrived here on the 8th, and the same day began our course of observations, which will probably be completed in 5 or 6 days. The random Line passed between Le Beauf and Presque Isle about 5 miles north of the former, and we conjecture about 6 miles south of the latter. Considering the unexpected difficulties we had to encounter for want of a competent knowledge of the Geography of the Country, the death of our Horses, time taken up in making Canoes, and treating with the Indians, our business has gone on beyond our most sanguine expectation, and without the intervention of some uncommon circumstance or accident will be completed in 14 or 15 days. We divided the Line in such a manner as to make 6 stations at each of which we determined a point in the parallel of Latitude by about 36 observations. Neither attention or exertions have ever been wanting on our parts towards Scientific and permanent completion of the business entrusted to us, and the general behaviour and industry of our men has been such as to entitle them to our thanks.

We are Sir,

your humble Servants,

ANDREW ELLICOTT

ANDREW PORTER.

*Directed,*

David Rittenhouse, Esquire

—[*Penn. Arch.*, xi, 203.

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Report of Commissioners on Boundary between Pennsylvania and New York, 1787.

We the subscribers being commissioned agreeably to Laws severally enacted by the Commonwealth of Pennsylvania and the state of New York for the purpose of running and marking a Boundary Line between the said States in the parallel of

Forty-Two Degrees of North Latitude beginning at the River Delaware and extending to a meridian Line drawn from the South West corner of the Commonwealth of Pennsylvania

Have in conformity to our appointments extended the said Line from the ninetieth Mile Stone to Lake Erie,<sup>1</sup> and marked the same in a lasting and permanent manner by milestones or posts surrounded by mounds of earth where stones could not be procured. The Stones at the several points where the Latitude was determined are large and well marked, and contain on the south side Pennsylvania Latitude 42° N. 1787, also the variation of the magnetic needle. On the North side New York and their several distances from the River Delaware.

Witness our Hands and Seals this Twenty ninth day of October, One Thousand seven Hundred and Eighty seven.

AND'W ELLICOT,	[L. s.]	} Commissioners from
ANDREW PORTER,	[L. s.]	
ABRA'M HARDENBERG,	[L. s.]	} Pennsylvania.
WILLIAM MORRIS,	[L. s.]	
		} Commissioners from
		} New York.

— [*Penn. Arch.*, xi, 526.

Gentlemen :

I have the pleasure to inform Council that we have completed the Northern boundary Line of this State ; Enclosed you have our Report. A Draught of the Line will be completed in a few weeks & delivered to Council.

I am, with Respect,

Gentlemen your obedient

Humble Servant,

Philada., Nov. 28th, 1787.

A. PORTER.

*Directed,*

His Excellency, the President and Supreme Executive Council, Pennsylvania.

— [*Penn. Arch.*, xi, 214.

<sup>1</sup>It will be observed that this report makes no allusion to the western boundary line of this State, nor to the monument said, in the Revised Statutes, to have been erected by these Commissioners "for the purpose of marking the termination of the line of jurisdiction between this State and the said State of Pennsylvania."—[ P.

Philadelphia, December 19th, 1787.

Gentlemen,

Having been concerned in running all the Astronomical Boundaries of the Commonwealth, and possessed of all the Observations, (which are very numerous) used in determining the different limits of the State. In my opinion now the business is compleated, it will be necessary to have some record, or rather a publication of the Observations, together with the methods that were pursued on that occasion; not only for the satisfaction of the parties concerned, but also for the advantages which the science of Astronomy may derive from such a publication. I shall be happy in having a conference with any Gentlemen of your Body on this subject, and have no doubt but it may be made advantageous both to the State and to

your H'bl Servt.,

AND'W. ELLICOTT.

P. S. I will undertake arranging the Astronomical Observations by which the boundaries of the State were determined, and also add such Observations as we made on the Soil and Natural History of the country thro' which we passed, for the Sum of £150, hard Money, or the value thereof in Paper, one half of the money to be advanced, and the other half to be paid when the work is finished—the work to be the property of the State, and ready for publication on or before the first day of June next.

A. E.

*Directed,*

His Excellency, the President, and Supreme Executive Council of the Commonwealth of Pennsylvania.

—[*Penn. Arch.*, xi, 216.

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New York December 24<sup>th</sup>. 1787.

Sir

We have the honor of herewith transmitting to your Excellency the Joint Report of the Commissioners of the State of New York and the Commonwealth of Pennsylvania, respectively appointed, to “run out and mark the Jurisdiction Line” between

those States; together with a Geographical Map<sup>1</sup> of the Line and Country adjacent; as also an account of the Expenditures which this State has incurred in the prosecution of the business the last season — We trust that on an accurate Inspection of this account it will appear that it has been compleated with as much Oconomy as could have been expected from the distance at which the business commenced and the Expences which necessarily attend extensive Land Transportation, especially through a wilderness —

The delineations on the Map have been done with as much accuracy, as attention to the Observatory and other matters more immediately relative to the Line would admit of, and no part of the Country has been laid down thereon but what has either undergone actual Measurement or Observation.

Throughout the whole of this business the Line has been determined at distances of not more than Thirty two nor less than Twenty miles, by Latitude deduced from a course of Astronomical Observations with a Sector of upwards of Five feet Radius accurately constructed for the purpose, on Six principal Stars the places of which are well ascertained, and no Observation has been taken into the Account which differed materially more than four seconds from a mean of the other Observations at the same position —

Thus prepared, and from having constantly observed those precautions we are encouraged to assure your Excellency that no error of more than half a Second of a Degree equal to Fifty and an half Feet could possibly have been committed at the Points where the Latitude was so determined.

We have the honor, to be,

Your Excellency's most

Obedient & very

Humble Servants—

ABRAHAM HARDENBERGH

WM. W. MORRIS

To his Excellency Governor Clinton

—[*Clinton Papers, MS.*, xxi, 5924.

<sup>1</sup> *Portfolio Map, No. 167*, in office of Sec'y of State.—[P.

For provision for the payment of Commissioners "for their services and disbursements in running, marking and ascertaining the jurisdiction line between this State and the Commonwealth of Pennsylvania," see *N. Y. Laws*, 1787, *Chap.* xcix; 1788, *Chap.* xciii.

For maps of the entire line from Delaware River to Lake Erie, see *Portfolio Maps* 167 and 202, in office of N. Y. Sec'y of State, and *Penn. Arch.*, xi, middle and end of volume.

Norriton, February 16th, 1788.

Gentlemen,

Agreeable to the request of your Honorable Board I have looked over some of my notes Taken when out on the line last summer & find that after we Cross'd the Alligane river the last time, there was much of a sameness in the Country both as to Timber & Soile on and near the line and a greater Variety of Wood on the same space then I ever saw in any other part, a large Proportion of which was Beach, Sugar maple & ash, The soile in general appears rich tho' I believe rather Cold for some kind of grane, But well adapted to grass. The Country in general is midling Flat and level but more Particularly so on the heads or sorces of the small stremes, that Emty into the alligani river, all the waters running into the Lake having a better Current & shorter distance to run. The high dry grounds have moderate ascents and appear Pleasant & very few stone to be seen on the surface, the waters of French Creek and the Connowonge both afford a good Boat Navigation to within a small distance of the Lake. I could not see that at and near the Lake it was more subject to Early frosts than many parts much more to the southward. I am of opinion that it is Equal in value to any Equal Quantity of land on the West side of the alligane river within the lines of the state, according to Information we Receiv'd from (Capt. Wm. Morris one of the Commissioners from the state of New York) that the line of session from New York to the United States would strike the line of our State at or near the

190 mile stone.<sup>1</sup> Tho' that is but matter of opinion founded on his Information at any rate we shall Include a large part of the Margen of the Lake with the only harber on it which is Priquelle.

I remain with much Esteem,  
your Honors most Obedient,  
& very humble Servt.

*Directed,*

WM. ARMSTRONG.

The Supreme Executive Council.

—[*Penn. Arch.*, xi, 242, 243.

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*An ACT to establish and confirm the boundary line between  
this state and the state of New-York.*

Passed 29th September, 1789.

SECT. I. WHEREAS the honorable John Penn, Esquire, then Governor of the late province, now state, of Pennsylvania, did, on the twenty-fourth day of October, in the year one thousand seven hundred and seventy-four, nominate and appoint David Rittenhouse, Esquire, on the part of Pennsylvania, to fix, in conjunction with any person to be appointed on the part of the then province of New-York, the beginning of the forty-third degree of north latitude on the Mohawk or western branch of Delaware river, which is the north-east corner of Pennsylvania, and to proceed westward in fixing and marking the boundary line between the said provinces of Pennsylvania and New-York: And whereas the honorable Cadwallader Colden, Esquire, then governor of the late province, now state, of New-York, with the advice of the then Council, did, on the eight day of November, in the same year, nominate and appoint Samuel Holland, Esquire, on the part of New-York, to fix, in conjunction with the said David Rittenhouse, the same corner, and to proceed in running and marking the said line: And whereas, by virtue of an act of the General Assembly of the state of Pennsylvania, the

<sup>1</sup> The intersection of the two lines is actually a short distance east from the 225th mile stone.—See *Penn. Arch.*, xii, Map of "Lake Erie Triangle," facing p. 104.—[ P.

Supreme Executive Council of this commonwealth, by commission, under the hand of Charles Biddle, Esquire, and the great seal, bearing date the sixteenth day of June, one thousand seven hundred and eighty-six, did constitute and appoint Andrew Ellicot, Esquire, commissioner, on the part of the said commonwealth of Pennsylvania, to run and mark the northern boundary of this commonwealth: And whereas the said David Rittenhouse and Samuel Holland, in pursuance of their said respective appointments, did proceed on the said business, and made return thereof, under their hands, bearing date at Philadelphia the fourteenth day of December, in the same year, by which it appears that they ascertained and fixed the beginning of the forty-third degree of north latitude on the said Mohawk or western branch of Delaware, and there, in a small island of the said river, planted a stone, marked with the letters and figures NEW-YORK, 1774. cut on the north side thereof, and the letters and figures Lat. 42°. Var. 4°. 20'. cut on the top thereof; and in a direction due west from thence, on the west side of the said branch of Delaware, collected and placed a heap of stones at the water mark, and proceeding further west, four perches, planted another stone in the said line, marked with the letters and figures PENNSYLVANIA, 1774. cut on the south side thereof, and the letters and figures Lat. 42°. Var. 4°. 20'. cut on the top thereof; and at the distance of eighteen perches due west from the last mentioned stone marked an ash tree; but that the rigour of the season prevented them from proceeding further in running the said line, as by the said return, remaining of record, fully appears: And whereas, by virtue of an act of the General Assembly of the state of New-York, entituled "An Act for running out and marking the jurisdiction line between this state and the commonwealth of Pennsylvania," passed the twenty-sixth day of February, in the year one thousand seven hundred and eighty six, James Clinton and Simeon Dewitt, Esquires, were duly appointed commissioners, on the part of the state of New York, to join with such person or persons as should be appointed on the part of Pennsyl-

vania, to run out, mark and ascertain the said line, beginning at the place so fixed and ascertained by the said commissioners, as above mentioned, on the Mohawk or western branch of Delaware river: And whereas the said Andrew Ellicot, on the part of this commonwealth, and the said James Clinton and Simeon Dewitt, on the part of the state of New-York, did, in the year of our Lord one thousand seven hundred and eighty-six and seven, in pursuance of the powers so as aforesaid vested in them, run, fix and ascertain the said boundary line, beginning at the first mentioned stone, marked as is herein above recited, and extending thence due west by a line of mile-stones, marked with the number of mile and miles which each stone is distant from the said first mentioned stone, planted in the said small island, to the bank of Lake Erie, at the distance of two hundred and fifty-nine miles and eighty-eight perches from the said first mentioned corner stone; and the said commissioners did accordingly return a draft or plot of the said line, under their hands, to the Supreme Executive Council of this commonwealth; in which said draft or plot are noted and laid down the several principal waters, mountains, and other remarkable places, through and over which the said boundary line runs; which said boundary line is and ought to be for ever hereafter deemed and taken as the true boundary of territory and jurisdiction between this state and the state of New-York, so far as the state of New-York is bounded thereby:

SECT. II. *It is therefore hereby declared and enacted by the Representatives of the Freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same,* That the said boundary line, so as aforesaid run, marked and returned, by the said Andrew Ellicot, commissioner on the part of this state, and the said James Clinton and Simeon Dewitt, commissioners on the part of the state of New-York, beginning at the first mentioned corner stone, planted in the said small island, in the Mohawk or west branch of Delaware river, and thence extending due west, by the marked stones aforesaid, so far westward as to meet the meridian line, which is hereafter to be fixed and established as

the western boundary of the state of New-York, shall be, and for ever hereafter shall be deemed and taken to be, and is hereby declared to be, the true and just line of boundary and partition, both of territory and jurisdiction, between the state of Pennsylvania and the state of New-York; and that this commonwealth of Pennsylvania doth not, nor at any time hereafter shall or will, claim to have, hold or exercise, any right, power or jurisdiction, in or over the soil or inhabitants dwelling northward of the said line hereby established, eastward of the said meridian line, or western boundary of New-York: *Provided always nevertheless*, That nothing in this act contained shall be deemed to bind the commonwealth of Pennsylvania, until the legislature of New-York shall establish and confirm the said boundary line on their part, as fully and effectually as the same is by this act established and confirmed.<sup>1</sup>

SECT. III. And in order that the knowledge of the said boundary line may be rendered permanent and extensive: *It is hereby further enacted by the authority aforesaid*, That it shall and may be lawful for the Supreme Executive Council of this commonwealth to cause and procure the draft or plot of the said line, and of the reports of the commissioners who compleated the same, together with such notes and observations of the said commissioners, as, in the opinion of the said Council, may be necessary to be preserved, to be engraved on plates of copper, and such number of copies to be printed from such plates, as will be sufficient to perpetuate the memory of the said line, not exceeding, in the first instance, two hundred copies, and to preserve the said plates for any future use or purpose to which they may be applied by the legislature of Pennsylvania; and to issue any order or orders on the Treasurer of this state, for the payment of the expences of engraving and printing the same, to be charged, with the contingent expences of government, on the fund provided therefor.<sup>2</sup> — [*Carey and Bioren's Laws of Penn.*, iii, 392–395.

<sup>1</sup> This joint boundary line seems not to have been thus formally confirmed by the Legislature of New York.—[ P.

<sup>2</sup> This section was repealed by an act passed the 27th of March, 1790, which authorized Reading Howell to delineate the State lines on his map.

## DAVID RITTENHOUSE.

\* \* \* \*

The last important business of a public nature, in which Mr. Rittenhouse was engaged, prior to the American war, was in fixing, jointly with a Commissioner on the part of New-York, the beginning of the 43° of North latitude, and to establish a Line, thence Westward, as the Boundary between Pennsylvania and New-York.

Mr. Rittenhouse was appointed the Commissioner for this purpose, on the part of the then province of Pennsylvania, by Gov. John Penn, on the 24th of October, 1774; and Samuel Holland, Esquire, was the Commissioner on the part of New-York, appointed by Lieutenant-Governor Colden. As Captain Holland's<sup>1</sup> commission was not made out until the 8th of November, these Joint-Commissioners could not proceed on the business of their appointment, before that late period. It appears, however, by the duplicate returns made by these gentlemen to their respective governments, under the date of December the 14th in the same year, that they "ascertained and fixed the beginning of the forty-third degree of North latitude on the Mohawk or Western branch of the Delaware; and there, in a small island of the said river, planted a stone, marked, &c."—"but that the rigour of the season prevented them from proceeding further in running the said line, &c."

This Line remained thus unsettled, until after the conclusion of the American war. Mr Rittenhouse and Captain Holland having previously established the North-Eastern Corner of Pennsylvania, on that boundary, by ascertaining and marking thereon the beginning of the 43° of North latitude, the Pennsylvania Legislature, on the 31st of March, 1785, enacted a law, authorizing the Executive of the State to appoint a Commissioner, in conjunction with one or more on the part of New-York, to run and complete the Line. The person selected for this service by Pennsylvania, in addition to Mr Ritten-

<sup>1</sup>Mr. Holland was an able engineer in the British service, and held the military rank of Captain.

house, was Andrew Ellicott, Esq. an able Mathematician and Astronomer, and well qualified also, by his practical knowledge of Surveying or Land-Mensuration: this gentleman was accordingly commissioned by the hon. Charles Biddle, Esquire, then Vice-President of the Supreme Executive Council of Pennsylvania on the 16th of June, 1786. The Commissioners on the part of New-York, were James Clinton and Simeon De Witt, Esquires: And by these gentlemen, appointed on behalf of their respective governments, this business was prosecuted; but it was not then completed.

—[*Barton's Mem. of Rittenhouse*, pp. 237-240.

ANDREW ELLICOTT TO ROBERT PATTERSON.

Philadelphia, April 2d, 1795.

DEAR SIR,

I HEREWITH present you with a considerable number of Astronomical Observations, which you will observe were generally made on some very important occasions.

\* \* \* \*

The state of Pennsylvania is bounded on the north by the 42° of north latitude. This line extends from a point on the Delaware, (which was fixed by Dr. Rittenhouse and Captain Holland in the year 1774,) and extends west to Lake Erie it was completed in the years 1786, and 1787. In order to carry on the parallel of latitude with as much expedition, and economy as possible, we dispensed with the method of tracing a line on the arc of a great circle, and correcting into the parallel, as pursued by Messrs Mason and Dixon, in determining the boundary between this state, and the state of Maryland, and which we followed in completing their line in the year 1784. We commenced our operations by running a guide line west, with a surveying compass from the point mentioned on the Delaware 20¼ miles, and there corrected by the following zenith distances taken at its western termination by a most excellent sector, constructed, and executed, by Dr. Rittenhouse.

\* \* \* \*

Mean latitude deduced from the above observations  $41^{\circ} 59' 52''.7$

By which it appears that we were too far south by 7 .3

The correction being made, the guide line was corrected back to the Delaware, and another guide line carried on west  $19\frac{1}{4}$  miles from the corrected point north of our observatory, at the termination of which the following zenith distances were observed.

*	*	*	*
Mean latitude deduced from the foregoing observa-			
tion.....			$41^{\circ} 59' 53''$
Hence our observatory too far south by.....			7

This correction being made, we proceeded as in the first case, and carried on our guide line  $21\frac{1}{4}$  miles, at the termination of which we observed the following zenith distances.

*	*	*	*
Mean latitude deduced from the above observations			$42^{\circ} 0' 3''.8$
Too far north by.....			3 .8

The above correction of  $3''.8$  being laid off, we proceeded as formerly, and carried on our guide line  $28\frac{3}{4}$  miles and observed the following Z. distances at its termination.

*	*	*	*
Mean latitude by the above observations.....			$41^{\circ} 59' 55''.2$
Too far south by.....			4 .8

The correction being made and our guide line corrected back, we ceased our operations for that season.

In June the year following we carried on our guide line  $19\frac{1}{4}$  miles and at its termination made the following observations

*	*	*	*
Mean latitude by the foregoing observations.....			$42^{\circ} 0' 12''.4$
Too far north by.....			12 .4

The above correction being made, we carried on our guide line  $26\frac{5}{8}$  miles, and at its termination observed the following Zenith distances

*	*	*	*
Mean latitude of our Observatory.....			$42^{\circ} 0' 15''$
Too far north by.....			15

The above correction being made, we carried on the guide line  $30\frac{1}{2}$  miles, and at its termination observed the following Zenith distances.

*	*	*	*
Mean latitude of the Observatory .....	41°	59'	27".5
Too far south by.....			32 .5

Corrected as formerly, and carried on the guide line  $28\frac{1}{4}$  miles, and observed the following Zenith distances.

*	*	*	*
Mean latitude of the Observatory .....	42°	0'	21".3
Too far north by.....			21 .3

The above correction being made, we carried on the guide line  $32\frac{1}{2}$  miles, and observed the following Zenith distances

*	*	*	*
Mean latitude of the Observatory .....	42°	0'	10".8
Too far north by.....			10 .8

Corrected as formerly, and carried on our guide line  $32\frac{1}{4}$  miles, to Lake Erie, and observed the following Zenith distances.

*	*	*	*
Mean latitude of the Observatory by the above observations.....	41°	59'	58".7
Too far south by.....			1 .3

The above correction being made, completed the Astronomical boundaries of the State of Pennsylvania.

My associates in tracing the north boundary of Pennsylvania were Dr. Rittenhouse, James Clinton, and Simeon De Wit, in the year 1786. The first of those gentlemen left us in the beginning of September.—The year following my associates were Andrew Porter, Abraham Hardenberg, and William Morris.

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—[*Amer. Phil. Soc. Trans.*, (1st Series), iv, 39.

The following paragraph is an appropriate commentary on the foregoing record of scientific observations:

\* \* \* \*

Latitude and longitude, which lie at the basis of all descriptive geography, are determined by observation. No map deserves the name, on which the position of important points has not been astronomically determined. Some even of our most important political and administrative arrangements depend upon the coöperation of this science. Among these I may mention the land system of the United States, and the determination of the boundaries of the country. \* \* Large grants and sales of public land took place before the Revolution and in the interval between the peace and the adoption of the Constitution; but the limits of these grants and sales were ascertained by sensible objects \* \* and by reference to adjacent portions of territory, previously surveyed. The uncertainty of boundaries thus defined was a never-failing source of litigation, \* \* Astronomical observation furnishes by far the best means of defining the boundaries of States, when the lines are of great length and run through unsettled countries. Natural indications like rivers and mountains, however distinct in appearances, are in practice subject to unavoidable error, \* \* but a degree of latitude is written on the heavenly sphere; and nothing but an observation is required to read the record. \* \* But scientific elements, like sharp instruments, must be handled with care. \* \*

—[*Edward Everett's Dudley Observatory Address, Dudley Obs. Annals*, i, pp. xxxviii–xli. See also an article on *Public Lands*, by the same author, in the *American Almanac* for 1832, p. 140–149.]

THE FINAL DETERMINATION OF THE WESTERN BOUNDARY LINE  
OF THE STATE OF NEW YORK, IN CONNECTION WITH THE PUR-  
CHASE OF THE "LAKE ERIE TRIANGLE" BY PENNSYLVANIA.

Having now exhibited the successive acts by which the title to unoccupied western lands was transferred from several of the original thirteen States to the general government, it remains to state, under this division of the general subject, how Pennsylvania acquired from the General Government, the so called "Lake Erie Triangle," lying immediately west of the western boundary line of the State of New York, and how that line was definitely ascertained.

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State of Pennsylvania, In General Assembly,  
Monday, September 15, 1783, A. M.

The report of the committee appointed to hold conferences with the city merchants, read September 10, was read the second time, and adopted as follows, viz ;

That they have had sundry conferences with a committee of the merchants of Philadelphia, touching the inland commerce of this State, that they are sorry to find the same subjected to so many obstructions owing to the ruinous condition of the public roads throughout this state—no object however strikes your committee in so forcible a manner, as that of conducting the streams of commerce from the river Susquehanna to the port of Philadelphia ;       \*       \*       \*

Your Committee therefore offer the following resolutions to the honorable House.

\*                   \*                   \*

Third,—To examine the navigation of the Susquehanna to the sources of the same, and ascertain as near as conveniently may be, where the northern boundary of this state will fall, particularly whether any part of Lake Erie is within the State of Pennsylvania,       \*       \*       \*

—[*Penn. Arch.*, x, 129.]

Saturday, September 20, 1783, A. M.

Agreeable to the order for the day, the house proceeded to elect six Commissioners for the purposes expressed in the resolutions adopted September 15, and the ballots being taken, it appeared, \* \* that William Maclay, James Wilkinson and William Montgomery, Esquires, were duly elected for performing the duties mentioned in the third and in the last of those resolutions.

— [*Penn. Arch.*, x, 129, 130 ; 334, 335.

State of Pennsylvania, In General Assembly,

Tuesday, August 17, 1784.

Agreeably to the order of the day, the House proceeded to the election of a Commissioner (in the room of William Montgomery, Esquire, who hath resigned), to examine the navigation of the Susquehanna to the sources of the same, and ascertain as near as conveniently may be where the northern boundary of this State will fall, particularly whether any part of Lake Erie is within the State of Pennsylvania, &c., conformably to a resolution of the late Assembly, passed the fifteenth day of September last, when the ballots being taken it appeared that Joseph Montgomery, Esquire, was duly elected.

\* \* \* \*

— [*Penn. Arch.*, x, 312.

State of Pennsylvania, In General Assembly,

Friday, February 18, 1785.

\* \* \* \*

The committee appointed on the eleventh instant to confer with the Commissioners elected in pursuance of the third resolution of the General Assembly, adopted the fifteenth day of September 1783, to examine the navigation of the Susquehanna, and to ascertain as near as conveniently may be where the northern boundary of this State will fall &c., beg leave to report. \* \* \* \*

That your committee have conferred with two of the said Commissioners, and find that they are nearly prepared and propose to set out on the business about the first of April, but as greater accuracy seems now to be requisite in ascertaining the northern boundary, than was formerly in contemplation, a further supply of mathematical instruments may be necessary.

Your committee therefore offer the following resolutions [directing the commissioners to proceed as early as may be, authorizing instruments provisions &c., and requesting the appointment of commissioners on the part of the State of New York to co-operate in running and marking a temporary line between New York and Pennsylvania.]

[This report was adopted.]

— [*Penn. Arch.*, x, 412.

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State of Pennsylvania, In General Assemb.y,  
Monday, November 12, 1787.

The report of the Committee read November 9th, relative to the purchase of a tract of country on Lake Erie, was read the second time, whereupon

Resolved, That the Supreme Executive Council be authorised and requested to obtain, and lay before the General Assembly, a description of the lands lying between the northern boundary of this State and Lake Erie, with an Estimate of the sum necessary to purchase such part thereof as may be thought necessary to accommodate this State.

— [*Penn. Arch.*, xi, 211.

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PHILADELPHIA, Tuesday, February 5, 1788.

\* \* \* \*

On motion,

*Ordered*, That Andrew Porter, Esquire, and Major William Armstrong, be requested to furnish Council with the best description they can of the lands lying between the northern

boundary of this State and Lake Erie, west of the boundary of the state of New York.

\*                      \*                      \*

— [*Penn. Col. Rec.*, xv, 382.]

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In Council,  
Philadelphia, February 5th, 1788.

Gentlemen,

By direction of Council I do myself the honor to inclose you a resolution<sup>1</sup> of the General Assembly of this State with regard to the purchase of a Tract of Country on Lake Erie.

Council request you will be pleased to give them such information on the subject as may be in your power—especially on that part which relates to the Estimate of the sum necessary to purchase, and for what sum other lands belonging to The United States in those parts were sold. It may likewise be necessary to obtain information respecting the Western Boundary of the State of New York, to know how far the same extends along the Pennsylvania line in order to make an Estimate of the Quantity.

\*                      \*                      \*

PETER MUHLENBERG, V. P.

Hon'ble, The Delegates of Pennsylvania in Congress.  
— [*Penn. Col. Rec.*, xi, 237.]

---

Gentlemen,

Agreeably to your request I have herein drawn up a Description of the Country lying between the northern boundaries of this State and lake Erie, west of the State of New York, viz.

The soil will come under the description Tolarable good. The Countury is clear of Mountains and but very little broken with Hills. In many parts of it are very rich Tracts of land, and some parts are rather wet & swampy. — It abounds with a great variety of Timber, such as, Sugar Trees, Beech, Ash,

<sup>1</sup>Probably that of November 12, 1787.—[P.]

Hickory, Black Red and White Oak, Chesnut, Cherry, Hemlock, White Pine, Sycamore, Elm, Cowcumber, Aspen, Birch, Poplar, Walnut, &c.

From the north west Corner of this State the general direction of Lake Erie is North  $65^{\circ}$  East for upwards of sixty Miles, so that the angle made with the northern boundary Line is  $25^{\circ}$

The Bay of Presque Isle is a safe Harbour for shipping and the only one (on this side) from Gayahoga to the lower end of the Lake. The distance from Presque Isle to La Bauf, on the French creek is about 15 miles, and the ground sufficiently firm to admit of a good Road the whole way with little or no Bridging.

The western boundary of the state of N. York has not yet been ascertained, probably it may fall a few miles East of the Canawango River.<sup>1</sup> — This River is boatable to the upper end of Chadaghque Lake, from thence there is a portage of about 9 miles to Lake Erie.

The above described tract of country may contain between 7 and 800,000 Acres.

\* \* \*

ANDREW PORTER.

*Directed,*

His Excellency the President and Supreme Executive Council Pennsylvania.

*Indorsed,*

Montgomery County, Feby. 16th, 1788.

— [*Penn. Arch.*, xi, 241.

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Norriton, February 16, 1788.

Gentlemen,

Agreeable to the request of your honorable Board I have looked over some of my notes Taken when out on the line last summer.      \*                      \*                      \*                      \*

<sup>1</sup>*i. e.*, about thirty-five miles east of its true location, as ascertained by Andrew Ellicott in 1790; and yet the Revised Statutes state that Andrew Porter and others erected a monument on this western line in 1787.—[P

I am of opinion that it is Equal in value to any equal Quantity of land on the West side of the alligane river within the lines of the state, according to Information we Receiv'd from (Capt. Wm. Morris one of the commissioners from the state of New York) that the line of session from New York to the United States would strike the line of our State at or near the 190 mile stone.<sup>1</sup> Tho' that is but a matter of opinion founded on his Information at any rate we shall Include a large part of the Margen of the Lake with the only harbor on it which is Priquette.

I remain with much esteem,

\*                      \*                      \*

WM. ARMSTRONG.

*Directed,*

The Supreme Executive Council.

— [*Penn. Arch.*, xi, 242, 243.

Estimate of Consideration to Indians for Triangle at Lake  
Erie, 1788.

[Various items amounting, according to estimate, to £950.]

I beg leave to inform Council that it appears to me the above Estimate would not be more than a sufficient Consideration for the Claim which the 6 Nations have to the Triangular piece of Land which this Commonwealth hath in contemplation to purchase of s<sup>d</sup> Indians.

FRA. JOHNSTON.

Feb'y 21, 1788.

— [*Penn. Arch.*, xi, 245.

PHILADELPHIA, Thursday, February 21, 1788.

The following draft of a message to the General Assembly, was read and adopted, vizt :

<sup>1</sup> The actual location of the line is about a quarter of a mile east of the 225th mile stone; so that Commissioners Morris and Porter misjudged the distance by about thirty-five miles. See *foot note* on page 287.—[P.]

GENTLEMEN :— \* \* \* \*

In compliance with your resolution of the thirteenth of November last, we have obtained and now lay before the General Assembly, descriptions of the lands lying between the Northern Boundary of this State and Lake Erie, with an estimate of the sums which will probably be necessary for the purchases of the same, as will appear by the papers marked No. 1 and 2, to which we beg leave to refer. We have likewise wrote to our Delegates in Congress, relative to the estimate. Their answer as soon as it comes to hand will be transmitted to your House.

\* \* \* \*

We have now the pleasure of laying before you a map of the Northern boundary of this State, as run by the Commissioners appointed for that purpose, who have compleated that useful work.<sup>1</sup> \* \* \*

—[*Penn. Col. Rec.*, xv, 392, 393.

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Delegates in Congress to Vice President Muhlenberg.

New York, Feb'y 28th, 1788.

Sir,

We received your letter of the 5th Feb'y & should not have so long delayed our answer could we have sooner given any satisfactory information to either the Council or the House.

With respect to the quantity of the tract nothing can be conjectured with accuracy & as the estimate you require must be founded principally on this fact, we have as a first step, originated an enquiry by motion in Congress which, should its progress be unobstructed, will at once decide the size & property of the Tract, should it fall within the United States, the price will not in all probability exceed one Dollar in certificates per acre, & if within the State of Massachusetts, much less as that State cannot well exceed the terms of the New York Land office.

<sup>1</sup>This Map, in two sections, is published in the *Penn. Arch.*, vol. xi.—[P.

The moment Congress come to any act on this subject, we shall have the honor of communicating it, & are

with the highest respect,

\*                      \*                      \*

WM. IRVINE,  
JOHN ARMSTRONG, JR.,  
JAMES R. REID.<sup>1</sup>

*Directed,*

Hon. Peter Muhlenberg, Esq., Philada.

—[*Penn. Arch.*, xi, 251.

State of Pennsylvania,

In General Assembly,

Friday, February 29, 1788, A. M.

\*                      \*                      \*

The Committee to whom was referred the message of Council respecting the purchase of a tract of land on Lake Erie beg leave to report,

That in their opinion the purchase of the said tract of land, is an object highly worthy the attention of this State, therefore offer the following resolution.

Resolved, That the Supreme Executive Council be authorised to negotiate with the United States for such tract of country as may appear to be their property on Lake Erie adjoining to the northern boundary of this State, and report to the General Assembly the terms required by Congress with an estimate of all the other expences which in their opinion may be necessary for completing the purchase.

[This report was adopted.]

—[*Penn. Arch.*, xi, 252.

<sup>1</sup>See also letter of Messrs. Bingham & Reid to Pres. Franklin, without date, *Penn. Arch.*, xi, 308.—[P.

[IN CONGRESS.]

FRIDAY, June 6, 1788.

\* \* \* \*

On the report of a committee \* \* to whom was referred a motion of Mr. Irwine<sup>1</sup> [Irvine],

*Resolved*, That the geographer of the United States be, and he is hereby directed to ascertain by himself or by a deputy duly appointed for the purpose, the boundary line between the United States and the states of New-York and Massachusetts, agreeably to the deeds of cession of the said states.

That the said geographer inform the executives of the states of New-York and Massachusetts of the time of running the said line, in order that they or either of them may, if they think proper, have persons attending at the time.

That the said geographer or his deputy, having run the meridian between lake Erie and the state of Pennsylvania, and marked and noted down in his field-book, proper land marks for perpetuating the same, shall proceed to make a survey of the land lying west of the said line, between lake Erie and the state of Pennsylvania, so as to ascertain the quantity thereof, and make return of such survey to the board of treasury, who are hereby authorized and empowered at any time before or after such survey, to sell the said tract in whole, at private sale, for a price not less than three-fourths of a dollar per acre in specie, or public securities drawing interest.

[IN COUNCIL.]

PHILADELPHIA, Thursday, June 12, 1788.

\* \* \* \*

A letter from the Delegates of this State, inclosing an act of Congress dated the sixth of this month, for surveying and ascertaining the quantity of land situate between Lake Erie and Pennsylvania and west of the boundaries of the States of New York and Massachusetts, and fixing the price at which

<sup>1</sup> See *Penn. Archives*, xi, 247, for motion and reference of Feb. 25, 1788.—[P.]

the same may be sold, was read, requesting instructions from Council relative to the purchase of the said land on account of the State.

\* \* \* \*

Saturday, June 14th, 1788.

\* \* \* \*

*Resolved*, That the President inform our Delegates in Congress, that they are authorized and empowered by this Board to negotiate and contract with Congress, in behalf of this State, for the purchase of the lands before described, at the rate of three-quarters of a dollar per acre in specie or public securitys bearing interest.

—[*Penn. Col. Rec.*, xv, 471–473.]

*Delegates of Pennsylvania to Board of Treasury.*

We the delegates of the State of Pennsylvania, in compliance with instructions, and in virtue of powers, received from the said State, do hereby offer to contract (in behalf of the said State) with the Honble Board of Treasury, for a tract of land belonging to the United States, contained in the interval betwixt a Meridian Line, run between Lake Erie and the state of Pennsylvania, and the Boundaries of the States of New York and Massachusetts, at the rate of three-fourth of a dollar per acre; payable in Gold or Silver, or in public securities of the United States, bearing interest; when the quantity ascertained by actual survey, in the manner prescribed by a resolution of Congress, of the 7th of June, 1788.

(Signed.) WM. BINGHAM,  
JAMES R. REID.

\* \* \*

New York, July 7, 1788.

—[*Penn. Arch.*, xi, 383.]

*Board of Treasury to Delegates in Congress.*

Board of Treasury, August 28, 1788.

Gentlemen,

The United States in Congress, having by their act of the 20th instant,<sup>1</sup> determined that no reservations are in their

<sup>1</sup>This act does not appear in the printed Journals of Congress.—[P.]

judgment, necessary to be made on account of the United States, in a certain Tract of Land, contained in the interval betwixt a meridian Line, run between Lake Erie and the State of Pennsylvania; and the Boundaries of the State of New York and Massachusetts. We beg leave to acquaint you that we accept your Proposal for the purchase of the said tract, on behalf of the state of Pennsylvania, as expressed in your letter of the 7th July, 1788.

We have the honor to be

\* \* \*  
SAMUEL OSGOOD.  
ARTHUR LEE.

*Directed,*

To the Honorable the Delegates of the State of Pennsylvania.

— [*Penn. Arch.*, xi, 382.

[IN COUNCIL.]

PHILADELPHIA, Monday, September 1st, 1788.

\* \* \* \*

A letter from the Delegates of Pennsylvania in Congress, inclosing their proposal for the purchase of the Territory adjoining the northern boundary of this State belonging to the United States, at the rate of three-quarters of a dollar per acre, in specie or public securities bearing interest, and the acceptance of the said proposal by the Board of Treasury of the United States, was read.

\* \* \* \*

— [*Penn. Col. Rec.*, xv, 523, 524.

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Office of Secretary of Congress,  
Sep. 4th, 1788.

Sir,

I have the honor to transmit to your Excellency herewith enclosed an act of the United States in congress assembled, by which they relinquish and transfer to the State of Penn-

sylvania the jurisdiction of the tract of land on Lake Erie, which the State has agreed to purchase of the United States,

With great respect,

\*

\*

CHA. THOMSON.

*Directed,*

His Excellency, the President of the Supreme Executive Council of Pennsylvania.

—[*Penn. Arch.*, xi, 387.]

[IN CONGRESS.]

THURSDAY, *September 4*, 1788.

\*

\*

\*

\*

On a report of a committee, \* \* to whom was referred a motion of the delegates of Pennsylvania:

Whereas it appears that the board of treasury, in conformity to the act of Congress of the 6th of June last, have entered into a contract with the delegates of the state of Pennsylvania, in behalf of the said state, for the tract of land bounded east, agreeably to the cession of western territory, by the states of Massachusetts and New-York, south by Pennsylvania, north and west, by Lake Erie; and whereas the said tract is entirely separated from the other lands of the western territory, over which the jurisdiction of the United States extends: And whereas under these circumstances, it will be expedient for the state of Pennsylvania to hold and exercise jurisdiction over the tract aforesaid; therefore,

*Resolved*, That the United States do hereby relinquish and transfer all their right, title and claim to the government and jurisdiction of the said tract of land, to the State of Pennsylvania, forever. And it is hereby declared and made known, that the laws and public acts of the said state shall extend over every part of the same tract, to all intents and purposes, as if the same had been originally within the charter bounds of the said state; provided that the inhabitants of the said tract shall be maintained in all the rights and privileges which other citizens of the said state of Pennsylvania are now or may hereafter be constitutionally entitled to enjoy.

A Report of the Supreme Executive Council to the General Assembly of the State of Pennsylvania.

That they have negotiated with Congress for purchasing the land contained in the interval betwixt a meridian line run between Lake Erie and the State of Pennsylvania, and the boundaries of the States of New York and Massachusetts,

\* \* \* \*

An Estimate of other probable expenditures that may be incurred by the purchase is herewith presented, amounting to the sum of Nine hundred and fifty pounds.

To conclude the business with the United States, it now remains for the General Assembly to make the requisite appropriation of public securities, and to assign funds whence the other expences may be drawn.

1788, Septr.

—————

An Estimate of the expence that may probably attend the business of the Lake Erie Lands, if it should be directed to purchase the claim of the Six Nations of Indians.

Supposed price in various suitable articles amounting	
1000 dollars.....	£375
Provisions of different kinds .....	100
Charges of Waggonage, Boat hire, &c.,.....	150
Pay of Commissioners, hire of Interpreters, Run-	
ners, &c., .....	250
Presents to the Great Men .....	75
	£950
	£950

—[*Penn. Arch.*, xi, 389, 390.

IN COUNCIL,  
Philadelphia, September 8<sup>th</sup>, 1788.

Sir,

By direction of the Board, I do myself the honor to transmit you, for the Consideration of the General Assembly, An Act of Congress passed the fourth instant, by which the United

States relinquish and transfer to the State of Pennsylvania all their Right, Title and Claim to the Government and Jurisdiction of the Tract of Land on Lake Erie, which the State has agreed to purchase of the United States.

By accounts received from Pittsburgh, a pacific disposition is manifested on the part of the Indians, and there is now reason to expect a large meeting of the Northern and Western Tribes at Muskingum, to hold a treaty with the Continental Commissioners. This favorable opportunity ought not, in the opinion of Council, to be missed — for altho' the quantity of Land in the Triangle purchased from the Board of Treasury cannot be ascertained with precision before the necessary lines are run agreeable to the Act of Congress of the sixth day of June last, yet, as a great part of the Expence attending Treaties with Indians is incurred by collecting and furnishing them with provisions; charges which, in this Instance, may be avoided.

Council, therefore, earnestly recommend the appointing Commissioners on the part of this State to attend the ensuing Treaty for purchasing from the Indians who may appear to have just Claims to the same, the whole of the Triangle aforesaid, as nearly as the bounds of the same may be ascertained by the best information which can be now obtained.

I have the honor to be,

\* \* \*

P. MUHLENBERG.

*Directed,*

Hon. Thomas Mifflin, Esquire, Speaker of the General Assembly.

— [*Penn. Arch.*, xi, 390, 391; *Col. Rec.*, xv, 530, 531.

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State of Pennsylvania, In General Assembly,  
Saturday, September 13, 1788, A. M.

\* \* \* \*

The Committee to whom was referred the Letter from the Vice President and the Supreme Executive Council, respecting the purchase of the triangular Piece of Land lying between

the Western line of New York, the Northern line of Pennsylvania, and part of Lake Erie, \* \* beg leave to report,

\* \* \* \*

That your Committee are of opinion that the purchase made by Council is advantageous to this Commonwealth, and should be confirmed by this House.

That it will therefore be necessary to provide adequate Funds for complying with the Contract and making the purchase of the Country from the Indians, agreeably to the Policy and Justice which have ever marked the Conduct of Pennsylvania in such Cases.

That as a Treaty is now about to be held with the Indians at Muskingum, it will be proper and economical to take advantage of this Circumstance to make overtures at least to, and if practicable to compleat the purchase of the said Country from, the Savages, The Expence and delay of a particular Treaty for so small an object will hereby be avoided.

That in order to ascertain as nearly as might be the quantity of Land which was the subject of the Contract, your Committee requested the attendance of Mr. Ellicot, an intelligent person and well acquainted with that Country. But as the meridian Line forming the Western Boundary of New York is not actually run,<sup>1</sup> the Quantity cannot, with any degree of accuracy, be ascertained. On an estimate, calculated on the supposed place of the said meridian in a point of the Northern Line of Pennsylvania the most favorable to the pretension of New York, there appear to be about one Million of Acres contained within the Boundaries of this Purchase. Wherefore your Committee are of opinion that the following Resolution be recommended to the Consideration of the House.

Resolved, That this House accept, on the part of this Commonwealth, the Contract made with the Board of Treasury of the United States by the Supreme Executive Council of this State, thro' the Agency of the Delegates of this State in

<sup>1</sup> This is a further confirmation of our statement, on page 234, that the Revised Statutes are in error in regard to the time, etc., of the erection of the monument at the S. W. corner of the State.—[P.

Congress, as mentioned in the proposals of the said Delegates, dated the 7th day of July, in the present year, \*      \*

That the Supreme Executive Council be, and they are hereby authorized and fully empowered to take the Necessary Steps for purchasing of the Indians—who have just Claims thereto the said Tract of Country, and for this purpose to appoint, when they may think necessary, two persons as Commissioners to negotiate and compleat the said purchase.

Resolved, That the Supreme Executive Council be, and they are hereby authorized and empowered to draw on the Treasury of this State for a Sum not exceeding Nine hundred and fifty pounds for the purpose of making the purchase of the Indians of the said Tract and bearing all Expences of the same, agreeably to an Estimate by the said Council, communicated to this House.      \*      \*      \*      \*

—[*Penn. Arch.*, xi, 395, 396.

[IN COUNCIL.]

PHILADELPHIA, Wednesday, October 1st, 1788.

\*      \*      \*      \*

Council taking into consideration the resolution of the General Assembly, dated September the thirteenth last, authorizing and empowering this Board to appoint two persons as Commissioners, to negotiate and complete the purchase of the triangular piece or tract of country lying and being between the northern boundary of this State and Lake Erie, from the Indians who have just claims thereto.

Thereupon,

*Resolved*, That General Richard Butler and General John Gibson, be appointed Commissioners to carry into effect the said resolutions so far as circumstances will admit.

\*      \*      \*      \*

—[*Penn. Col. Rec.*, xv, 553.

*Instructions to Commissioners.*

In Council,  
Philadelphia, October 2nd, 1788.

GENTLEMEN:—You will herewith receive a resolution of the Honorable the General Assembly of the thirteenth ultimo, together with the several resolutions of Congress, respecting the triangular piece of Country which lies adjoining Lake Erie and the northern line of Pennsylvania, by which you will find that this State is now vested with both right of jurisdiction and soil. You will likewise receive a commission for the purpose of purchasing from the Natives their claim to the soil, agreeably to the constant usage of Pennsylvania, as also a rough draft of the country in question, laid down by Mr. Ellicot, in the best manner he has been able from his present knowledge of it. \* \* \*

The Board have great reliance on your prudence, sagacity and particular knowledge of these people, as well as a proper knowledge of their present disposition from the Continental transactions, which one of you have or are now especially conversant with. If therefore, you shall find the Indians who have just claims in a proper temper or otherwise, you will be governed accordingly, \* \* it is, however, hoped that you may be able to dispose the minds of these people, at least to appoint delegates to meet at a certain future day and place, to finish what you have happily now begin.

I have the honor to be,

\* \* \*

PETER MUHLENBERG, V. President.

General RICHARD BUTLER and JOHN GIBSON, Commissioners for purchasing from Indians, &ca.

—[*Penn. Col. Rec.*, xv, 554, 555.]

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The following is part of the “commission” above referred to:  
Pennsylvania ss.

In the name and by the authority of the Freemen of the Commonwealth of Pennsylvania.

The Supreme Executive Council of the said Commonwealth  
To General Richard Butler and General John Gibson

\*                      \*                      \*                      \*

*Now know ye* that we reposing especial trust and confidence in your integrity, prudence and ability have nominated constituted and appointed you the said Richard Butler and John Gibson our Commissioners giving and granting to you full power and authority for and in behalf of the Commonwealth to meet with the said Indians and to purchase from them agreeably to ancient usage the Tract or Piece of Country before described hereby promising to hold valid whatever shall be agreed and concluded upon by you our said Commissioners agreeably to the said Resolution of Assembly and our Instructions.

Given in Council \* \* this third day of October in the year of our Lord one thousand seven hundred and eighty eight.  
— [*Penn. Arch.*, xi, 405.

PHILADELPHIA, Friday, October 10th, 1788.

The following orders were drawn upon the Treasurer vizt :

\*                      \*                      \*                      \*

In favor of Benjamin Ellicott, for one pound five shillings, in full for his account for making a map<sup>1</sup> of the newly acquired territory on Lake Erie, for the purpose of information to the Commissioners appointed to purchase the claim of the natives to the said territory, according to the Comptroller General's report.

\*                      \*                      \*                      \*

— [*Penn. Col. Rec.*, xv., 561.

PHILADELPHIA, Monday, November 3rd, 1788.

\*                      \*                      \*                      \*

*The Vice President and Supreme Executive Council to the  
General Assembly.*

GENTLEMEN : — We have appointed Richard Butler and John Gibson, Esquires, to carry into effect, as far as circumstances

<sup>1</sup> This must have been an imperfect preliminary map, as the eastern boundary line of the newly acquired territory had not then been run.—[ P.

will permit, the resolution of the General Assembly of the thirteenth of September last, which authorizes Council to purchase the tract of country lying between the northern boundary of this State and Lake Erie.

\* \* \* \*

—[*Penn. Col. Rec.*, xv, 582.

[IN COUNCIL.]

PHILADELPHIA, Wednesday, November 12, 1788.

\* \* \* \*

*A Message from the President and Supreme Executive Council to the General Assembly.*

\* \* \* \*

The following reservations should, in the opinion of Council, be made for the Commonwealth, vizt:

First. Presque Isle, formed by Lake Erie. Second. Le Beuf, at the head of the navigation of French Creek; and Third. The lands adjacent to the mouth of Conewango, in the county of Allegany.

—[*Penn. Col. Rec.*, xv, 592, 593.

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IN COUNCIL,

Philadelphia November 22nd, 1788.

Sir:—I have the honor to transmit to you a letter which Council received this morning, dated Fort Harmar, November the third, 1788, from John Gibson and Richard Butler, Esquires, commissioners for purchasing of the Indians the tract of country lying on Lake Erie, and lately ceded to this State by the United States, together with a list of goods immediately wanted for that purpose. \* \* \*

I have the honor to be, \* \*

THOMAS MIFFLIN, President.

Honorable Richard Peters, Esquire.

—[*Penn. Col. Rec.*, xv, 605.

*Council to Commissioners Butler and Gibson.*

Gentlemen,

You have inclosed an Invoice of Goods sent you to purchase the Indian Claims to the Country adjoining Lake Erie and the Northern Line of Pennsylvania. Some of the articles you wanted were not to be had; in the room of them such were procured, as in the opinion of Council would best answer the purpose for which they are intended.

\* \* \* \*

*Indorsed* — Decbr. 8th, 1788.— [*Penn. Arch.*, xi, 427, 428.]

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December 19th, 1788.

SIR,

Being appointed to run the Line between the western boundary of the State of N. York, and the late purchase made by this State (of Congress) of a Tract of Country lying on the South side of Lake Erie, I shal just mention some difficulties which will probably attend the execution of this business, — and *first*, because the POINT which limits the State of N. York to the Westward, agreeably to the cession made by that State, and the State of Massachusetts to Congress in the year . . . , lies within the British Settlements on the West end of Lake Ontario, it will therefore be necessary to obtain leave from the Commandant at Niagara, or the Governor of Canada to go within the British lines to commence the business. As this will be a matter of science only, and cannot possibly interfere with either their Jurisdiction or Property, we may reasonably expect that a proper representation made by Authority, will be attended with success. The *second* difficulty will be with the Indians, but as they are particularly attached to, and influenced by the Cols. Butler and Brandt, I would beg leave to suggest the Idea of obtaining their interest by some means or other.

\* \* \*

AND. ELLICOTT.

*Directed* — His Excellency Thomas Mifflin, Esqr.— [*Penn. Arch.*, xi, 429.]

AGREEMENT BETWEEN THE SIX NATIONS AND COMMISSIONERS  
FOR LANDS ON LAKE ERIE, &c., 1789.

Be it remembered by all whom it may concern :

That on the ninth day of January, in the year of your Lord, one thousand seven hundred and eighty nine, in open and public Council, we the undersigned Chief, Warriors, and others, Representing the following named Tribes of the Six Nations, to wit—The Ondwagas, or Senecas, Cayugas, Tuscaroras, Onandagas, and Oneidas ; for and in behalf of ourselves, our tribes, our and their Heirs and Successors, on the one part—and Richard Butler and John Gibson, Esquires, Commissioners for *and in behalf* of the State of Pennsylvania, (Onas) on the other part, did make and conclude upon the following articles, viz. :

ARTICLE 1st.

That as soon as these articles are signed, interchangeably by the aforesaid Chiefs and Commissioners, the said Chiefs will execute a Deed of Conveyance to the State of Pennsylvania for a tract of Country as hereafter shall be described.

ARTICLE 2nd.

The signing Chiefs do acknowledge the right of the soil and jurisdiction to, in, and over that tract of Country bounded on the South by the North line of the State of Pennsylvania, on the East by the West boundary of the State of New York, agreeable to the cession of that State and the State of Massachusetts to the United States, and on the North by the Margin of Lake Erie, including Presque Isle and all the Bays and harbors along the margin of said Lake Erie, from the West boundary of Pennsylvania to where the West boundary of the State of New York may cross or intersect the South margin of the said Lake Erie.

\* \* \*

ARTICLE 3rd.

The said Chiefs do agree that the said State of Pennsylvania shall and may at any time they may think proper, survey, dispose of and settle, all that part of the aforesaid Country

lying and being West of a line running along the middle of Conawago river from its confluence with the Allegany river into the Chadochque Lake, thence along the middle of the said lake to the North end of the same, thence a meridian line from the North end of the said lake to the margin or shore of Lake Erie.                   \*                   \*                   \*                   \*

ARTICLE 5th.

That as several villages belonging to the signing Chiefs and their people are now living on the said Conowaga creek and in other parts of the country supposed to be within the tract of country West of the West line of the State of New York and East of the line through the Waters as described in the third Article—And as they have no country to remove to from where they now live, the said chiefs do reserve for their own and their people's residence, hunting and fishing, all that part of the tract of Country described in the second Article, passing from the Allegany river along the middle of the Conowago creek, the Chadochque Lake and a meridian line from the North end of said lake to Lake Erie.                   \*                   \*

ARTICLE 7th.

The said Richard Butler and John Gibson, Esquires, \* \* do agree to the aforesaid articles \* \* and \* \* that the aforesaid Chiefs and the people of their tribes, shall have full and peaceable liberty to hunt and fish within any part of the Country first above described, they demeaning themselves peaceably towards the inhabitants. But the said Chiefs or their successors, shall not at any time hereafter, directly or indirectly, lease, rent, or make sale of any part or parcel of the tract here Reserved for their Use and Residence, to any other State, person or persons.

In testimony of the above Articles                   \*                   \*

In presence of	RICHARD BUTLER	[SEAL.]
A <sup>r</sup> ST. CLAIR,	JNO. GIBSON	[SEAL.]
[and seven others,]	CACHUNWASSE,	[SEAL.]
	(Seneca.) Or Twenty Canoes.	
	[and twenty-two other Indians.]	

—[*Penn. Arch.*, xi, 530–533.]

*To the Honorable the Delegates in Pennsylvania.*

GENTLEMEN,

In Council, Philadelphia, Jan. 23, 1789.

Andrew Ellicott Esquire who is appointed by the Geographer General<sup>1</sup> of the United States to run the line between the Western boundary of the State of New York and the late purchase made by this State of Congress of a Tract of Land lying on the south of Lake Erie, has applied to the Executive Council of this State, stating some difficulties which he apprehends may probably attend the execution of that Business.

Council have thought it expedient previous to their taking any measures to expedite the completion of this work, to write to the delegates to know what steps or if any have been taken by Congress to obtain leave from the Governor of Canada or the Commandant at \_\_\_\_\_ for the Geographer General, or any person under his appointment to go within the British settlements or lines to make the necessary observations to enable him to begin and carry into execution the laying off the Tract of Country aforesaid.

\* \* \*

GEORGE ROSS, V. P.

—[*Penn. Arch.*, xi, 537.

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New York, 26th Jan'y, 1789.

Sir,

I had the honor of writing you a very few lines shortly after my arrival [at New York]. Mr. Gorham having arr'd since, we have five states, and every reason to expect there will be seven in a week or ten days.

\* \* \* \*

In conversation last Night with Mr. Gorham, I find he and Mr. Philips, who purchased of Massachusetts, all the lands

<sup>1</sup> Thomas Hutchins, appointed by Congress "geographer to the Southern army," May 4, 1781, and "geographer to the United States of America," July 11, 1781; re-appointed, May 27, 1785, and May 26, 1788. Simeon De Witt was "appointed geographer to the army," Dec. 4, 1780, and after Mr. Hutchins' appointment, seems to have been "geographer to the northern army," etc. — [P.

between the line of pre-emption and the western bounds of New York are of opinion that the words of the New York cession to Congress do not operate a transfer of the lands east of Erie to Congress, and of course that the jurisdiction remains in New York and that the property is vested in them under the grant of New York to Massachusetts — 'Tis certain that the grant or cession of New York discovers a considerable deficiency of Geographical information, which you will easily see, Sir, by recurring to it. The substance is that New York is to continue her South line along our North line to the end of the latter and so far *beyond* it as to throw a particular part of the Western waters (the western Bend of Lake Ontario,) 20 miles east of a line to be run from the extremity of the South line aforesaid to the 45th degree of N. Latitude. It is now ascertained, that the 20 miles east of the place in contemplation will be contained within a line that will fall far on this side Erie — The question will be, what will be the Consequence of this geographical Error? My opinion on a slight examination is, that it will leave our purchase good. Mr. Gorham seems desirous, if the law proves theirs to sell to Pennsylvania, but it is necessary that we remember their doctrine deprives us of the Jurisdiction, for New York most probably will not part with it. I think it proper to add further that Mr. Gorham raised a question, whether the grant of the Jurisdiction to Penns'a by Congress was valid. These loose hints, Sir, upon so important a point are not fit in form, at least, for the public Eye, but it is necessary, that you, and the other superior characters in our government should be apprized of the difficulty which is attempted to be raised.

The purchase made of the Indians by Mr. Gorham & Co., (part of their whole purchase of the state) begins at our 82d mile stone, and runs along our N. line to the 124th, and then runs due N. to the great Fork of the Genesee river. \* \*

\*

\*

\*

TENCH COXE.

[To President Mifflin.]

— [*Penn. Arch.*, xi, 539, 540.]

New York, 1st Feb. 1789.

Dear Sir,

\* \* As there is not yet a Congress, and there is not a certainty of seven states, I would submit the propriety of applying to the Secy. for foreign affairs to write to the Governor of Canada, for permission to enter the British country to make the necessary astronomical observations, & for information whether Mr. Ellicott can have the necessary supplies of provisions, boats, &c., from the British posts. Mr. Gorman [Gorham?] of Massachusetts, who is among the purchasers of the cession of property by New York, to that State, is of opinion that difficulties might arise if our Geographers name (Capt. Hutchins and Jonson) should appear, as he is considered by them in the light of an officer leaving their service in time of war.<sup>1</sup> \* \* I find among the papers of Congress an application from Capt. Hutchins to them in June last, to take up this Business, which would have been done in a few days, but when our delegates were prepared, there ceased to be a quorum of States. The delay of this matter till the new Government meets, will throw it into the great Mass of objects that will go before them. I therefore think it will be very proper that we apply to Mr. Jay, if council approve the step without the least delay. \* \* \*

From a variety of very important considerations respecting the western Territories of the United States, I would strongly recommend to the Government of Pennsylvania, the intersection of the County of Northumberland by a land & water communication leading to lake Erie this year. This improvement is in itself so proper and necessary that it should be done on that ground alone, but the probable course of Events

<sup>1</sup> Capt. H. was in London at the commencement of the Revolution, and in 1779 was suspected of holding a correspondence with Franklin, then in France, for which he was imprisoned six weeks. See *Allen's Amer. Biog. Dict.*, article on THOMAS HUTCHINS. — [ P.

in the South western country, renders it highly advisable to move in it this spring.

\*                      \*                      \*

TENCH COXE.

[To President Mifflin.]

—[*Penn. Arch.*, xi, 542, 543.

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New York, Febry. 2d, 1789.

Sir,

We have been honoured with a communication from the Executive Council of the 23d Ultimo.

The same Ideas were suggested by the Geographer last summer, but no measures were adopted by Congress to facilitate the completion of that survey.

\*                      \*                      \*

JAMES R. REID,  
TENCH COXE.

*Directed*, — The honourable George Ross, Esquire.

—[*Penn. Arch.*, xi, 543.

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[IN COUNCIL.]

Philadelphia, February 6th, 1789.

The following draft of a message to the General Assembly was laid before Council read and approved, vizt :

\*                      \*                      \*                      \*

The improvement of the public roads being under the consideration of the General Assembly, the late purchase of land on the south side of Lake Erie will naturally call their attention to that quarter.

A communication between Presque Isle, (which is included in that purchase,) and the city of Philadelphia will, in our opinion, prove of the greatest utility to the public.

That communication may be best effected by joining the heads of the west branch of Susquehanna with the sources of the Allegany river, between which it is said there is a short portage; the most convenient portage from the Susquehanna to the Schuylkill has been thought by persons of credit and information, to be between the Sweetara and Tulpehocon.

\*                      \*                      \*                      \*

—[*Penn. Col. Rec.*, xv, 658, 659.]

Philad<sup>a</sup> 23d March, 1789.

I beg leave to mention to your Excellency & Council that Capt'n Abeal, alias the Cornplanter, one of the principal Chiefs of the Senneca Tribe of the Six Nations, has been very useful in all the treaties since 1784 inclusive, & particularly to the State of Penns'a, this he has demonstrated very fully, & his attachment at present to the State appears very great. This has induced me to suggest to your Excellency and Council whether it may not be good Policy in the state to fix this attachment by making it his interest to continue it. This from the Ideas he possesses of Civilization induces me to think if the state would be pleased to grant him a small tract of land within the late purchase, it would be very grateful to him & have that Effect. This may be done in a manner that would render him service without lessening his influence with his own people or Exposing him to jealousy. The quantity need not be large, perhaps one thousand or fifteen hundred acres. How far your Excellency & Council may concur in this opinion will rest with your Excellency & them. My wishes for the quiet & interest of the state as well as the merits of the man, has induced me to take the liberty to mention this matter and hope the notice will be my apology.

I have the honor to be,

\* \* \*

RICH'D BUTLER.

*Directed,*

His Excellency, Thomas Mifflin, Esquire. [etc.]  
—[*Penn. Arch.*, xi, 562.]

[IN COUNCIL.]

Philadelphia, March 24th, 1789.

\* \* \*

A report from Generals Butler and Gibson, Commissioners \* \* was received and read, together with an Indian deed of cession for the aforesaid tract of country, and certain articles accompanying the said report. A letter from General Butler, relative to a grant of one thousand or fifteen hundred acres of

land from the Commonwealth to the Cornplanter, a chief of the Seneca Nation, in consideration of his services to the State, was also received and read ;      \*      \*      \*  
 — [*Penn. Col. Rec.*, xvi, 36.

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State of Pennsylvania, In General Assembly,  
 Tuesday, March 24th, 1789, A. M.

\*      \*      \*      \*

The committee on that part of the message of Council which respects reservations of certain lands for the use of the state, report the following resolution, viz<sup>t</sup> (which was adopted):

Resolved, That the Supreme Executive Council be authorized and requested \* \* to direct locations to be made and surveyed for the use of the Commonwealth of lands at Presque Isle formed by Lake Erie, at le Boeuf, at the head of the Navigation of French Creek, at the mouth of Conewangoo, in the county of Allegheny, and at the Fort of Vinango, not exceeding at each place three thousand acres.      \*      \*

And that Council also be, and they are hereby requested to set apart and cause to be surveyed the quantity of fifteen hundred acres in the tract or country on Lake Erie, lately purchased from the United States, for the Use of the Seneca Chief, called Captain Abeal or the Cornplanter, to be granted to him and his Heirs and Assigns for ever in consideration of his personal merit and attachment to this State.

— [*Penn. Arch.*, xi, 566, 567.

Mr. John Adlum was appointed by the Surveyor General of Pennsylvania, pursuant to resolution of Council, to survey the aforesaid reserved lands, for the expense of which no provision had been made.

— [*Penn. Arch.*, xi, 576-7; *Penn. Col. Rec.*, xvi, 66, 161.

For a statement of the expenses and charges of commissioners Butler and Gibson, report of auditing committee in relation thereto, and payment of same, see *Penn. Arch.*, xi, 588-9, 91, and *Penn. Col. Rec.*, xvi, 95, 177.

*Statement of Account, 1789.*

In Pursuance of an agreement between the United States & the State of Pennsylvania \* \* now that the Survey hath been so made and returned, and in virtue of authority from his Excellency The Governor of Pennsy'a to me to state and adjust the account of the Sum to be paid by the State as aforesaid.

I state the Account Following, viz.,

*The Commonwealth of Penn'a To the United States, Dr.*

For the purchase money of the Territory & Tract of Land bounded as follows, \* \* of which Tract a survey and Return hath been made and returned into the office of the Secretary of the Treasury according to Resolution of Congress, whereby the same is found to contain 202,187 acres, which at  $\frac{3}{4}$  of a Doll'r per Acre payable according to the terms of the Contract in Certificates of the Debt of the United States bearing an Annual Interest of 3 per Centum is, 151,640 $\frac{1}{4}$  Doll'rs.

Signed,

JNO. NICHOLSON.

in behalf of Penn'a.

—[*Penn. Arch.*, xi, 655.]

[IN U. S. HOUSE OF REPRESENTATIVES.]

MONDAY, *July 6*, 1789.

A petition of Andrew Ellicott was presented to the House, and read, praying that money may be advanced to defray his expenses, and to enable him to execute an act of the late Congress for determining the Western boundary of the State of New York, and to ascertain the quantity of land lying West of said boundary, and included between the Northern boundary of the State of Pennsylvania and Lake Erie.

*Ordered*, That the said petition be referred to Mr. Page, Mr. Scott, and Mr. Baldwin; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the House.

\*

\*

\*

\*

THURSDAY, *July 23*, 1789.

\*                      \*                      \*                      \*

Mr. Page, from the committee to whom was recommitted the report on the memorial of Andrew Ellicott, made a report ; which was read and ordered to lie on the table.

\*                      \*                      \*                      \*

MONDAY, *August 10*, 1789.

\*                      \*                      \*                      \*

The House proceeded to consider the report of the committee, on the memorial of Andrew Ellicott, which lay on the table ; and, the same being amended to read as followeth :

“That the survey directed by Congress in their act of June 6th, 1788, be made and returned to the Secretary of the Treasury, without delay ; and that the President of the United States be requested to appoint a fit person to complete the same, who shall be allowed five dollars per day, whilst actually employed in the said service, with the expenses necessarily attending the execution thereof :”

*Resolved*, That this House doth agree to the said report.

*Ordered*, That the Clerk of this House do carry the said resolution to the Senate, and desire their concurrence.

\*                      \*                      \*                      \*

[IN U. S. SENATE.]

WEDNESDAY, *August 19*, 1789.

\*                      \*                      \*                      \*

Agreeably to the order of the day, the Senate proceeded to the consideration of a resolve of the House of Representatives of the 10th of August,                      \*                      \*                      \*

And, on motion “that the consideration of the resolution be postponed to such time in the next session of Congress, as that the legislature of the State of New York may be afforded an opportunity of interposing their objections :”

It passed in the negative.

On motion to insert or ‘persons,’ after the word ‘person.’

It passed in the negative.

On motion to insert "by and with the advice and consent of the Senate," after 'President.'

It passed in the negative.

And, on the main question,

*Resolved*, That the Senate do concur in the said resolution.

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NEW YORK, 4th September, 1789.

SIR.—In pursuance of the orders of the President of the United States, I have the Honor of transmitting to your Excellency herewith enclosed, a Copy of an Act of Congress of the 6th June 1788, and of a concurrent Resolution of the Senate and House of Representatives, (passed by the latter on the 10th, and concurred in by the former on the 19th August last.) In pursuance of a Request contained in this Resolution, the President has been pleased to appoint Andrew Ellicott to compleat the Survey therein mentioned, who will begin that work on the 10th Day of October next; and I am directed to give your Excellency this information, in Order that the State of New York may if they think proper, have Persons attending at the time.<sup>1</sup>

\*

\*

\*

JOHN JAY.

[*Secretary of Foreign Affairs.*]

His Excellency George Clinton, Esquire, Governor of the State of New York.

—[*Clinton Papers, MS., in State Library, No. 6044.*]

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Philadelphia, Sept. 11th, 1789.

Sir,

In executing the Survey to be made on Lake Erie, I shall stand in need of two Surveying instruments, and a small Quadrant,<sup>2</sup> the property of this Commonwealth: If they should

<sup>1</sup> We find no record of any such appointment.—[P.]

<sup>2</sup> Perhaps the Hadley's Quadrant mentioned on page 247; see, also, page 261. — [P.]

not be otherwise engaged, I shall esteem it a particular favour to have the loan of them, on the above occasion.

\*                      \*                      \*

ANDREW ELLICOTT.

*Directed,*

To His Excellency, The President, of the Supreme Executive Council, Pennsylvania.

— [*Penn. Arch.*, xi, 612.

[IN COUNCIL.]

PHILADELPHIA, Wednesday, September 16th, 1789.

\*                      \*                      \*                      \*

*Resolved,* That the request of Mr. Ellicott be complied with, and that David Rittenhouse, Esquire, be directed to furnish him with the said instruments, taking a receipt to return them when required.

\*                      \*                      \*                      \*

— [*Penn. Col. Rec.*, xvi, 161.

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Philadelphia, Sept. 22nd, 1789.

Sir,

As the State of Pennsylvania by its purchase of the United States, of a Tract of Country lying on the South side of Lake Erie, has become interested in the Execution of the survey, so far as it relates to the Quantity of Land, I would therefore just suggest the Idea of some person being authorized to attend on behalf of the State. — I shall leave this City about the last of this week, and proceed to Niagara in order to execute my commission on behalf of the United States.

\*                      \*                      \*

ANDREW ELLICOTT.

*Directed,*

His Excellency Thomas Mifflin, Esq.

— [*Penn. Arch.*, xi, 615.

Philadelphia, June 3d, 1790.

Gentlemen,

In order to satisfy the Indians, and insure safety to myself, and party, in the execution of the resolve of Congress of June 6th, 1788, I think it will be necessary to have a copy of the Deed given by the Senecas, to Messrs. Butler, and Gibson, Commissioners on behalf of the State of Pennsylvania, for certain land lying on the South side of Lake Erie, and west of the Conawango River, and the Carrying place between Lake Chaughtaughque, and Lake Erie.

\*

\*

\*

ANDREW ELLICOTT.

*Directed,*

His Excellency, The President and Supreme Executive Council, Pennsylvania.

*Indorsed,*

1790, June 3d. From Andrew Ellicott, Esq. Read in Council June 4th, 1790, and agreed to grant the request.

—[*Penn. Arch.*, xi, 704.

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PITTSBURG, November 6.

Extract of a letter from Andrew Ellicott, Esq., to his friend in this town, dated Presque Isle, October 11, 1790.

“I yesterday completed the survey<sup>1</sup> of the territory annexed to the State of Pennsylvania, after much difficulty and hardship. The land contained in this survey is generally good, and from its peculiar situation an important object to the state.

— The Indians did not appear to be well disposed towards the execution of our business, but after a treaty, and receiving some small presents, accompanied with rum and tobacco, permitted us to go on.

—[*Albany Gazette*, Nov. 29, 1790.

<sup>1</sup>It appears on page 313, *ante*, that the survey was to be begun Oct. 10, 1789; and from the above statement, that it was completed one year from that day. —[P.

Frederick Saxton went with him [Andrew Ellicott] in behalf of Phelps & Gorham, \* \* who had purchased the Massachusetts pre-emption claim to Western New York.

\* \* \* \*

It was while making the traverse of the Canadian side of the Niagara River, in 1790, that Andrew, Joseph and Benjamin Ellicott, first saw the Falls of Niagara; and that Joseph and Benjamin, as the assistants of Andrew Ellicott, made the first actual measurement of the entire length of Niagara River, the respective falls of the river from Lake Erie to Lake Ontario, the height of the Great Falls, and the descent of the Rapids. Andrew Ellicott, in making his report of the survey of the boundary line, makes mention of these measurements of the river, which have ever since been the acknowledged authorities in all books giving an account of Niagara Falls.

The following table exhibits the entire length of the Niagara river, and its fall between the Lakes, as stated in the Report of 1790.

	Miles.	Fall.
From Lake Erie to the head of the Rapids...	20	15 feet.
From the Rapids to the head of the Falls...	1½	51 "
The Great Fall.....	00	162 "
From the Falls to Lewiston.....	7	104 "
From Lewiston to Lake Ontario ....	7	2 "
	<hr/> 35½	<hr/> 334 "

—[*Stuart's Biog. of Amer. Engineers*, pp. 25-27, as published in advance, in *Amer. Railway Review*, ii, 82, (1860).

*Fruitless Search for Andrew Ellicott's Report on the Survey  
of the Western Boundary of New York.*

DEPARTMENT OF THE INTERIOR, }  
WASHINGTON, D. C., *March 19<sup>th</sup>*, 1866. }

SIR. — Your letter of the 16<sup>th</sup> instant, asking for information in regard to the Survey of the western boundary of New York by Andrew Ellicott in the years 1789 and 1790, has been

received and referred to the Department of State, there being no information on the subject on the files of this Department.

I am, Sir, very respectfully,

Your ob't servant,

JAS. HARLAN,

*Secretary.*

D. J. PRATT, Esq.,

*Office of Regents of N. Y. University, Albany, N. Y.*

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DEPARTMENT OF STATE, }  
WASHINGTON, *March 24, 1866.* }

D. J. PRATT, Esq.,

*Ass't. Secretary to the Regents of the University  
of the State of New York, Albany, N. Y.*

SIR. — A letter addressed by you, on the 16<sup>th</sup> instant, to the Hon. Secretary of the Interior, making inquiry in regard to a report of Andrew Ellicott respecting his Survey of the Western Boundary, made in 1789-'90, has been referred to this Department. On examination, it is found that no copy of that report, either in manuscript or in print, is in possession of this Department.

I am your obedient servant,

WILL. H. SEWARD.

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TREASURY DEPARTMENT, }  
[WASHINGTON] *14th September, 1866.* }

SIR:— I have to acknowledge the receipt of your letter of the 12<sup>th</sup> Instant, requesting that search should be made among the records of this Department for the report of Andrew Ellicott, U. S. Surveyor General to President Washington, on the Determination of the Western Boundary line of the State of New York during or about the year 1790; including also the survey of the "Lake Erie Triangle."

In reply, I am instructed by the Secretary to inform you that enquiry was made at the State Department, to which

your previous letter of March last was referred; and, after another search this morning, it is believed the original return has been found, a copy of which will be transmitted to you from that Department.

Very respectfully,

J. F. HARTLEY,

*Asst<sup>t</sup>. Secretary of the Treasury.*

D. J. PRATT, Esq.,

*Ass<sup>t</sup>. Secretary to the Regents of the University  
of the State of New York.*

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DEPARTMENT OF STATE, }  
WASHINGTON, *September 14, 1866.* }

D. J. PRATT, Esq.,

*Ass<sup>t</sup>. Secretary to the Regents of the University  
of the State of New York, Albany, N. Y.*

SIR:—Referring to your letter of the 16<sup>th</sup> of March last, addressed to the Secretary of the Interior, and by him referred to this Department, making inquiry for a report of Andrew Ellicott respecting a survey of the western boundary of New York, I have now to inform you that a brief report by Mr. Ellicott to President Washington of incidents of that survey, has lately been found; and supposing that it may be the paper to which your request refers, I herewith transmit to you a copy of it.

I am your obedient servant,

W. HUNTER,

*Second Assistant Secretary.*

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UNITED STATES OF AMERICA.

DEPARTMENT OF STATE.

*To all to whom these presents shall come, Greeting:*

*I Certify, That annexed is a true copy of a letter from Andrew Ellicott to President Washington, dated January 15, 1790; the original of which is preserved in this Department.*

IN TESTIMONY WHEREOF, I, William Hunter, Second Assistant Secretary of State of the United States, have hereunto subscribed my name and caused the seal of the Department of State to be affixed.

DONE at the City of Washington, this fourteenth day of September, A. D. 1866, and of the Independence of the United States of America the ninety-first.

L. S.

W. HUNTER.

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PHILADELPHIA, *Jan<sup>y</sup>. 15<sup>th</sup>*, 1790.

SIR,

I arrived in this City the day before yesterday, after a long and tedious journey from Fort Erie, and have the satisfaction to inform your Excellency that so much of the Survey on which I was employed, that fell within the Territory of his Britanick Majesty is compleated. I find the Geography of the Country about the Lakes very erroneous, too much so to be even a tolerable guide. The south side of Lake Erie is laid down half a degree too far to the South, in the American Atlas published in 1776; and said to be corrected by Maj<sup>r</sup> Holland, De Brahm, and others. The same Lake is by Hutchins, and McMurry, placed 20 miles too far north; similar errors attend all that country thro' which I passed. . . . A corrected Chart of the west end of Lake Ontario, the Strait of Niagara, and part of Lake Erie comprehending the whole British settlement of Nassau shall be handed to your Excellency as soon as I come to New-York.

From certain *data*, which cannot be materially defective, the Sale of Lands made by the United States to the State of Pennsylvania will not neat less than thirteen thousand pounds specie to the Union, rating Certificates at  $\frac{4}{5}$  to the pound.

On my arrival at the Garrison of Niagara on the 21<sup>st</sup> day of October last, I was introduced by the Officer of the day, in company with Gen. Chapen of Massachusetts, and Mr. Joseph Ellicott of Baltimore, to the Commandant Lieu<sup>t</sup>. Col. Harriss. After the introduction I produced my Commission, which the

Col. looked over ; and then addressed himself to me in the following words. — “ Pray Sir what request have you to make from this paper ? ” (meaning the Commission.) To which I replied, “ In order to execute the duties of my appointment it will be necessary to go into the Territory of his Britannick Majesty ; but as you may not be authorized to grant such permission, an express has been sent on by our Secretary of foreign affairs to his Excellency Lord Dorchester Governor of Canada, to obtain this privilege ; and if the express has not yet arrived, my present request is only that myself and party may have the liberty of staying in the Country, with such privileges as are allowed to other gentlemen from the United States, and wait his arrival.” To which the Col. replied “ You cannot have permission to stay in this Country. You must leave it Sir.” I then informed him that our going away so precipitately must be attended with inconveniency to ourselves, and the present expence of the United States, sacrificed to no purpose ; and as I was confident that the express would arrive with the first Vessel, and from a desire to have the business executed with all possible dispatch, I should not be very punctilious about the privileges ; but would willingly be confined to one single Acre of Ground, or any other space, and under any restrictions, which he himself should prescribe : to which he replied, “ Your request cannot be granted Sir, you must leave this Country, and that with expedition.” I then informed him, that myself, and companions were much fatigued with a long and painful journey, and our Horses broken down with hard duty and the want of food ; and that our return home might be marked with some degree of certainty, I requested the privilege of continuing some few days in the country to refresh ourselves and recruit our horses. To which he returned “ I cannot be answerable for your situation. You are not to continue in this country, and if you stay any where in it, I shall hear of you, and will take measures accordingly.”—I then observed to him that I had some Gentlemen in my party, who were very desirous to view the falls of Niagara, and as this was the only probable opportunity which would ever fall in

their way, I requested that their curiosity might be gratified; particularly as the falls were not near any of their posts. To which he answered "Your Gentlemen cannot be gratified, they cannot see the falls, too many people have seen the falls already." I then began to make some observations on the common usage of all civilized Nations with regard to matters of Science, and natural curiosities; but was soon interrupted by the Col. who desired that I "would not multiply words on that subject," that he "was decisive and we must depart."—He then addressed himself to Col. Butler of the Rangers, (who was present), as follows. "Col. it is our *Lunchion* time, will you go and take a cut with us." Then turning to me he said "You may retire to the Tavern in the Bottom, and purchase such refreshment as you may want; in the meantime (pointing to my Commission which lay on the Table) "I will take a copy of that paper, after which the Adjutant shall return you the original." We were then attended by the Officer of the day to the Tavern.—After some consideration I thought it best to make one other request to the Commandant, which was, that myself, and party might have permission to go to the Indian settlement on Buffalo Creek, which is 30 miles from the Garrison, and in the Territory of the United States, and there wait the arrival of the express. This request was handed to Col. Harriss by my companion Gen. Chapen; but shared the same fate with the others.—Some time after dark the Adjutant waited upon us with the enclosed PASS, without which we could neither get out of the Garrison nor pass the Indian Settlements in our own Country.—From the tenor of the pass it appears that the Military jurisdiction of the British Garrison at Niagara is extended to the Jenesseo River; but this in my opinion is more fully confirmed by their general conduct in that quarter. After leaving the garrison, we had five miles to ride to join our party, on our arrival we gave immediate orders to have our Baggage prepared, and every measure taken for an early movement the next morning; but before we had time to leave the ground, a Lieut. Clarke waited upon us, and renewed the orders of the Col., and added

“that the Commandant desired that our departure might be attended with expedition.”—We left the ground about 9 o'clock in the morning, and proceeded to the Jenesseo River, a distance of near 100 miles, where we received Lord Dorchester's permission to execute any part of our business, which might fall in the Territory of his Britanick Majesty by an express sent on by Cap<sup>t</sup>. Guion, who had in the mean time arrived at Niagara from Quebec.—Although our Horses were unable to return, I was nevertheless determined to go on with the business.—We then employed Canoes to carry our Instruments and Baggage down the Jenesseo River to the carrying-place, where we procured a Boat, and returned up Lake Ontario to Niagara.—On our return we were treated with politeness, and attention. We entered immediately upon the execution of our business, which was attended with uncommon difficulty and hardship.—No Horses were to be had in that Country at any price, we were therefore under the necessity of employing a greater number of men than would otherwise have been wanted which has added considerably to the expence.

I have the Honor  
To be with the greatest  
Esteem your  
Excellences Hb' Servt.

ANDREW ELLICOTT

His Excellency

GEORGE WASHINGTON Esq —

*President of the United States —*

By John Adolphus Harris Esquire, Lieut Colonel of the 1<sup>st</sup> Battallion, 60<sup>th</sup> Regiment Commanding Niagara &c &c

Permit the Bearers Andrew Ellicott, Joseph Ellicott, Benjamin Ellicott, Jonathan Browns, Isaac Bornet, John Sullivan, Israel Chapen and Frederick Seaton [Sexton,] to pass from hence without delay and by the *nearest Route* to the Genecies.

*To all Concerned*

Given under my hand & Seal at Niagara this  
Twenty-first day of October 1789.—

JN<sup>o</sup> ADOLP<sup>s</sup>. HARRIS (Seal)

*Lieut: Col<sup>o</sup>. Com<sup>na</sup> Upper Posts*

*Payments made for executing the surveys directed by Congress in their act of June 6, 1788, and a concurrent resolution passed the 26th day of August, 1789.*

		Dols.	Cts.
1790.	March 30. To Andrew Ellicott, surveyor— Warrant No. 267.....	1,234.	78
	Aug. 18. To Joseph Howell, junior, agent for Andrew Ellicott, surveyor —Warrant No. 616 .....	1,200	
	Dec. 2. To Andrew Ellicott, surveyor— Warrant No. 760.....	200	
1791.	Jan. 8. To Andrew Ellicott, surveyor— Warrant No. 820.....	662	
	Feb. 17. To Caleb Strong, agent for Israel Chapin, for sundry expenses incurred by the said I. Chapin, under Andrew Ellicott—War- rant No. 903.....	34.	32
	April 23. To Andrew Ellicott, surveyor— Warrant No. 1032 .....	718.	75
		<hr/>	<hr/>
		4,049.	85

—[*U. S. Receipts and Expenditures*, 1791, p. 58.]

TREASURY DEPARTMENT,  
[WASHINGTON], 10<sup>th</sup> October, 1866. }

SIR.—I have the honor to acknowledge the receipt of your letter of the 18<sup>th</sup> ult<sup>o</sup> in relation to a Report by Andrew Ellicott on the Survey of the Western Boundary line of the State

of New York in 1790; and quoting certain payments from a Volume of the U. S. Receipts and Expenditures to the end of the year 1791, made for executing the Surveys directed by Congress in their Act of June 6<sup>th</sup>, 1788, and concurrent Resolution of the 26<sup>th</sup> August, 1789.

In reply, I have to state that the letter was referred to the Department of State where the Report in question should be, if in existence; and the strictest search has been made there both among the manuscript and printed documents, and President Washington's Letters to Congress; and under every conceivable word in all the indices where such a report was likely to be found, but I regret to say without success.

The very extensive Library of Col. Peter Force of this City, abounding in scarce and valuable State and United States documents, was searched, with the assistance of Col. Force himself, but with no avail. Col. Force is the Compiler of the American Archives.

Search also has been made in this Department, but unfortunately with a like result; and I am afraid the report is beyond the reach of discovery.

Very respectfully,

J. F. HARTLEY,

*Ass<sup>t</sup>. Secretary of the Treasury.*

D. J. PRATT, Esq.,

*Ass<sup>t</sup>. Secretary of Regents of University  
of the State of New York.*

---

BUFFALO, *March 8, 1866.*

D. J. PRATT, Esq.:

DEAR SIR. — I cannot say where the original survey you ask for can be found. I think it was made by Joseph Elicott under the supervision, perhaps, of his brother Andrew. It is known to have been made as follows:      \*      \*      \*

They went to the head of Lake Ontario, ascertained the longitude of the starting point, and commenced a traverse of the shore of that lake and run to the Niagara river; thence along the west shore of that river to near the upper end,

crossed over at Black Rock, and thence followed the southeast shore of Lake Erie to the same degree of longitude at which they started, and thence south on that longitudinal line to the Pennsylvania line.

As all the surveys and maps of the Holland Company's tract are deposited in the office of the Secretary of State, this survey may be found there.

If Andrew Ellicott made a report of the survey, that is probably in Washington. \* \* \*

I will endeavor to find a copy of the survey; and if I do, I will send it to you.

Respectfully yours,  
W. A. BIRD.

---

WASHINGTON, 28 *April*, 1866.

DEAR SIR:

In reply to your favor of the 20<sup>th</sup> which I find on my return after a few weeks absence — I believe the papers you desire are in the possession of the family of the late Prof. Douglass, whose widow is now, I believe, at Batavia, N. Y. I have only a letter or two written during the service to which you allude, of which copy is at your service if desired. And<sup>w</sup>. Ellicott always preserved remarkably full notes of all his services and such must be in the hands of the Douglass family. Mrs. D. was his daughter. I have written to a son of his now (in the army) at Columbus, asking whether he can give me any information on the subject of your letter, and when I have heard from him you shall be further advised.

And<sup>w</sup> Ellicott was my grandfather.

Very respectfully,  
JOS. C. G. KENNEDY.

D. J. PRATT, Esq.,  
*Albany, N. Y.*

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GENEVA, N. Y., *Sept.* 29, 1866.

DEAR SIR:

I cannot direct you to the report of Andrew Ellicott referred to in your note of the 26<sup>th</sup> Inst.

Rev<sup>d</sup> Malcolm Douglas of Windsor Vt. was here this week and informed me that he had recently visited John H. M<sup>c</sup>Allister, Optician, Chesnut Street, Philadelphia, & found him in possession of valuable papers of the late Andrew Ellicott, & thinks that gentleman may be able to give you the desired information.

Very Respectfully,

CHARLES B. STUART.

D. J. PRATT, Esq.,

*Asst. Secretary, &c., &c.*

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PHILAD<sup>a</sup>, Oct. 9, 1866.

MY DEAR SIR:

I have been indisposed for some days, which has prevented me from replying promptly to yours of 2<sup>nd</sup>.

I have no manuscripts of Ellicott's, but I am under the impression that our Historical Society had some letters written by Andrew Ellicott and probably relating to the subject of your inquiry.

I am sorry to say that owing to the thoughtlessness of a former librarian, access to our Archives was granted to vendors & dealers in autographs, who appropriated to their own use many valuable documents & possibly among them Ellicott's letters. I shall request our Librarian to make search among our Archives. Our manuscripts have never been arranged.

Was the report you refer to printed?

I have written to the venerable Sam'l Hazard who edited the "Archives" & who had access to all the papers belonging to the State deposited at Harrisburg for information & will advise you as soon as I hear from him.

If I can be of any service to you in this or any other matter do not hesitate to call upon me.

Yours, &c.,

JNO. A. M<sup>c</sup>ALLISTER.

D. J. PRATT, Esq.,

*Ass. Sec'y, Albany, N. Y.*

PHILAD<sup>a</sup>, Oct. 14, 1866.

MY DEAR SIR:

\* \* \* \*

I have a few lines to-day from Mr. Hazard. He writes under date of 11<sup>th</sup>.—"The Regents of the University refer to " a report and survey of New York in 1790 or 1791; as these " dates are beyond those of the Archives, I cannot speak with " much certainty concerning them, nor do I recollect of having " seen either. There were a number of Maps or Surveys in a " drawer in a room between the Secretary's & Clerks which I " looked over, but do not recollect now what they were, per- " haps *that* to which you refer may be among them."

\* \* \* \*

I am under the impression that some of the papers of Andrew Ellicott were in the possession of the late Peter S. Du Ponceau, for many years President of the American Philosophical Society. Mr. D. died in this city in 1844—his papers became the property of his son-in-law Garesche, and after his decease passed into the hands of a daughter of the latter, who contrary to my urgent wishes, sold the greater part of them to a rag dealer. I managed to secure a few of them, & Mr. Kline our Autograph dealer also some. Mr. D. was a great collector of Maps, Surveys & other documents relating to lands in your State. His position as Secretary to Mr. Livingston, & as an attorney for foreigners residing here or abroad, gave him an opportunity for gathering together material of that character. Mr. D. may have presented some of these matters to the "American Philosophical Society." I shall inquire of the Curator. It is possible that the Journal may be in the Phila<sup>da</sup> Library—the title may not appear in the Catalogue, as many additions have been made to the Library since the last edition. I shall see Mr. Smith the Librarian.

\* \* \* \*

Yours, &c.,

JNO. A. M<sup>c</sup>ALLISTER.

D. J. PRATT, Esq.,

*Asst. Sec'y Regents of the University,  
Albany, N. Y.*

GENEVA, N. Y., *October 13, 1866.*

DEAR SIR:

\* \* \* \*

I wrote the Biography of Andrew Ellicott several years ago, mainly from data obtained from the late Major D. B. Douglas, Gen<sup>l</sup>. J. G. Swift & Dr. Hale President of Hobart College, who were near neighbors at the time. I have no recollection of seeing the Report<sup>1</sup> you allude to, but believe it authentic, & will endeavor to find my *original* memorandum on my return next month.

\* \* \* \*

Respectfully Yours,

CHARLES B. STUART.

D. J. PRATT, Esq.,

*Albany, N. Y.*BUFFALO, *Jan'y 30, 1867.*

DEAR SIR:

I received from Judge Peacock a few days ago, the enclosed manuscript account of his recollections, &c., of the survey of the western boundary of this State. Although it sheds no new light upon the subject, it may be interesting to you as the production of an octogenarian. \* \* \*

I have had diligent search made among the Massachusetts records in Boston, without success, for the survey we are seeking.

Yours very truly,

O. H. MARSHALL.

S. B. WOOLWORTH, Esqr.

Further fruitless correspondence was had, on the subject of Andrew Ellicott's missing report, with Mrs. Professor Douglass, of Batavia, Rev. Malcolm Douglass, of Windsor, Vt., and Andrew E. Douglass, of New Haven, Conn.; George W. Holley, of Niagara Falls (having access to the papers of Gen.

<sup>1</sup>See Mr. Stuart's own allusion to the report, in the extract from the Biography of Andrew Ellicott, on page 308, *ante*, as though that report were an accessible document. — [P.

Porter's family); Oliver Phelps, of Canandaigua (grandson of the partner of Nathaniel Gorham); J. V. H. Clark, of Manlius; Isaiah Golding, of Marvin, Chau. Co.; Hon. Elial T. Foote, of New Haven, Conn.; John Reynolds, of Meadville, Pa.; and Librarian George H. Moore, of the N. Y. Historical Society, each of whom kindly replied to the inquiry made, without being able to give the information desired.

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An Act to authorize the Governor to compleat the purchase of a certain tract of land, lying between Lake Erie and the northern boundary of this Commonwealth.

*Whereas*, An agreement has heretofore been entered into between the United States and this State, respecting the purchase of a certain tract of land, the property of the said United States lying between Lake Erie and the northern boundary of Pennsylvania, and the extent and value of the said tract of land being now ascertained, it is proper to make provision for carrying the said agreement into effect :

Sect. 1. *Be it enacted by the SENATE & HOUSE OF REPRESENTATIVES of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the Governor shall be and he hereby is authorized and empowered, upon the part of this commonwealth, to do, execute and perform, all matters and things whatsoever, which shall be necessary for compleating the purchase of the said tract of land, according to the terms, stipulations and conditions of the agreement heretofore made and entered into, as aforesaid, between the United States and this State, and thereupon to take and receive from the said United States, or any person or persons by them in that behalf duly authorised, a good and sufficient conveyance and assurance, in fee, simple of the said tract of land, in the name and for the use of this Commonwealth.

Approved April the thirteenth, 1791.

—[*Penn. Arch.*, xii., 89; *Dallas' Laws*, iii, 75, 76.

*Gov. Mifflin to Alex'r Hamilton, Sec'y of Treasury of the  
United States.*

Sir.

On the twenty-eighth of Aug. 1788 the late Board of Treas'y of the United States, under a resolution of Congress, accepted the proposals which were made to them on the seventh of July preceding, by the Delegates in Congress from Pennsylvania, on behalf of this State, for the purchase of a tract of Land.      \*      \*      \*

As I understand that the Quantity of Land contained in the above mentioned tract, has been ascertained, by actual survey, it is proper to inform you, that I am ready on the part of Pennsylvania, to comply with the terms of the Contract.

\*      \*      \*      \*

THOMAS MIFFLIN.

Philad'a 5th May, 1791.

— [*Penn. Arch.*, xii, 90.]

*Governor Mifflin to Comptroller General Nicholson.*

Sir,

I have directed the Secretary to deliver to you, the various documents, respecting the contract between the United States and Pennsylvania for the purchase of a Tract of Land on Lake Erie; from which, and from the Survey of the Tract, deposited in the office of the Secretary of the Treasury; you will be pleased to state and adjust, with the Auditor and Comptroller General of the United States, an account of the sum, either in Public securities or in specie, which will be necessary to discharge the consideration money, according to the terms, stipulations and conditions of the agreement; and report the same to me with all convenient dispatch.

I am, Sir, Your

Most Obedient Servant,

THOMAS MIFFLIN.

Phil'a, 11th June, 1791.

— [*Penn. Arch.*, xii, 90, 91.]

*Comptroller John Nicholson to Gov. Mifflin.*

Sir,

Shortly after I was honored with your directions respecting the Account of Lake Erie purchase; I obtained the quantity from the Return in the Office of the Secretary of the Treasury, and made out and exhibited an Acct. thereof to the Auditor's Office. The vacancy therein, prevented anything being done therewith — Until a few days past, when upon the Secretary's suggestion from you, that they were ready at the Treasury of the United States to proceed thereon, I called there, and it was determined that the papers should be sent to the Compt'r's Office that the matter might be settled without the help of an Auditor. \* \* \*

Your most Obd. Servant

JNO. NICHOLSON.

Compt. Genl's Office, Aug. 16, 1791.

—[*Penn. Arch.*, xii, 93, 94.

*U. S. Secretary of Treasury to Gov. Mifflin.*

Treasury Department, Aug. 22, 1791.

The Secretary of the Treasury presents his respects to the Governor of Pennsylvania, and has the honor to inform him that the vacancy in the office of Auditor, is no impediment to the adjustment of the affair of the lands with the Commonwealth of Pennsylvania. The only source of delay is a difference of opinion, concerning the Certificates in which payment is to be made; the Comptroller of the Treasury insisting that it ought to be in such certificates as bore interest at the time of the contract, and the Comptroller General of Pennsylvania offering the funded three per Cents in payment. \* \*

—[*Penn. Arch.*, xii, 94.

*Letters Patent from the United States.*

In the NAME of the UNITED STATES, to all to whom these presents shall come.

WHEREAS, by an act of Congress, intituled "An act for carrying into effect a contract between the United States and the

State of Pennsylvania," it was provided, that for duly conveying to the said State a certain tract of land, the right to the government and jurisdiction whereof was relinquished to the said State, by a resolution of Congress, of the fourth day of September, in the year one thousand seven hundred and eighty-eight, and whereof the right of soil has been sold, by virtue of a previous resolution of Congress, of the sixth day of June, in the said year, the President of the United States be authorized, on fulfilment of the terms stipulated on the part of the said State, to issue letters patent, in the name, and under the seal of the United States, granting and conveying to the said State forever, the said tract of land, as the same was ascertained by a survey made in pursuance of the resolution of Congress, of the sixth of June, one thousand seven hundred and eighty-eight.

NOW KNOW YE, that inasmuch as it appears by a certificate from the Comptroller of the Treasury, that the terms stipulated on the part of the said State concerning the tract of land aforesaid, have been fulfilled, according to the true intent and meaning of the said contract. I do by these presents, in pursuance of the above recited act of Congress, grant and convey to the said State of Pennsylvania, forever, the said tract of land, as the same was ascertained by the survey aforesaid, a copy whereof is hereunto annexed.

[L. S.] In Testimony whereof, I have caused these letters to be made patent, and have hereunto subscribed my name and caused the seal of the United States to be affixed, at Philadelphia, this third day of March, in the Year of our Lord, one thousand seven hundred and ninety-two, and of the Independence of the United States of America the sixteenth.

G<sup>o</sup> WASHINGTON.

By the President,

TH. JEFFERSON.

—[*Penn. Arch.*, xii, 103, 104.]

## INDIAN DEED.

Know all men by these presents that we the undersigned Chiefs, Warriors & others representing the following named tribes of the Six Nations, to wit: The Ondawagas or Senecas Cayugas, Susquehannas, Onandagas & Oneidas, for, and in consideration of the sum of Four? [two] thousand Dollars to us in hand paid by Richard Butler and John Gibson Esqs, Commissioners for and in behalf of the State of Pennsa., the receipt whereof is hereby acknowledged, and we, for ourselves, our tribes, our & their heirs & successors, [are] therewith fully paid & satisfied, have granted, bargained, sold and assigned over, and by these presents do grant, bargain, sell, remise, release [and forever] quit-claim & assign over unto the sd. State of Pennsa., all our and their [right,] title, claim and interest of, in and to all that tract of Country, situate, lying & being within the territory of the United States, bounded on the South by the North'n [line or] boundary [of the State] of Pennsa., on the East by the Western line or boundary of the State of New York, agreeable to an act of Cession of the said State of New York, and the State of Massachusetts to the United States, and [on] the North by the Southern shore or Margin of Lake Erie, including Presq' isle and all the Bays [and] Harbors along the shore or Margin of the said Lake Erie from the West boundary of the said State of Pennsa., to where the west line or boundary of the State of New York may cross or intersect the southern shore or margin of the sd. Lake Erie. To have and to hold the said tract as above described, \* \* \* for ever under and subject to the provisions or reservations made and agreed upon in behalf of ourselves & our tribes, \* \* \*

In Testimony whereof, \* \* \*

[Signed by GYANTWACHE, or the Cornplanter, and twenty-three other Chiefs, in presence of Arthur St. Clair & others.]  
— [*Penn. Arch.*, xii, 100, 101.]

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It appears from the proceedings of a great Indian council held at the mouth of the Detroit river, in 1786, two years

after the council at Fort Stanwix, that the council at the latter place — the chiefs especially \* \* — were, for the most part, opposed to the conclusion of any treaty which did not include the Hurons, Ottawas, Shawanese, Chippewas, Delawares, Pottawattamies, and the Wabash confederates, as well as the Six Nations, and cover the entire question of boundaries for the whole. \* \* Red Jacket was strenuous upon this point. \* \* But the commissioners would listen to no such proposition; and the Cornplanter, who was an old and wise man, though less eloquent than his junior associate, succeeded in giving a favorable turn to the negotiation, \* \* surrendering, by necessity, a large portion of the Indian territory within the State of New York, but yet retaining ample ranges of the forest for his own people. But although the result of the negotiation was more favorable to the Six Nations than they had any just right to expect, it nevertheless gave great dissatisfaction to the Indians generally; and several years elapsed before the Senecas became reconciled to it.

After the conclusion of the treaty, the commissioners engaged Cornplanter to make special endeavors to pacify his people, the Senecas and others; as a compensation for which exertions a special grant of land was made to him on the Alleghany river, within the state of Pennsylvania, on which he resided until his death. But his people were not easily reconciled; and they were yet more exasperated at the conduct of Cornplanter, when, five years afterward, at the treaty of Fort Harmar, he gave up a still larger portion of their territory. He was bitterly reproached for this transaction; \* \* his life was even threatened — a circumstance to which he referred in the pathetic speech to “the Great Counsellor of the Thirteen Fires” at Philadelphia, in 1790.      \*      \*      \*

— [*Stone's Life of Red Jacket*, pp. 130–132.

[The remainder of Part II, *i. e.*, the final determination of the northern, the eastern, and the New Jersey portion of the southern boundary lines of the State, will be hereafter prepared and communicated to the Legislature.]

### PART III.

THE PRESENT CONDITION AND TRUE LOCATION OF THE  
BOUNDARY MONUMENTS, SO FAR AS HAS BEEN  
ASCERTAINED, AND WHAT IS NEEDED TO PRE-  
SERVE OR RENEW THEM.

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REPORT OF THE REGENTS OF THE UNIVERSITY ON THE LONGI-  
TITUDE OF THE WESTERN BOUNDARY LINE OF THE STATE OF  
NEW YORK.

UNIVERSITY OF THE STATE OF NEW-YORK, }  
OFFICE OF THE REGENTS, }  
ALBANY, *March* 10, 1866. }

To Hon. LYMAN TREMAIN, *Speaker of the Assembly*:

SIR. — I have the honor to communicate, through you, to the Legislature, the report of Dr. PETERS, director of the Hamilton College Observatory, on the longitude of the western boundary of the State, made under the direction of the Regents of the University, by authority of chapter 784 of the Laws of 1857, and chapter 328 of the Laws of 1858.

By the same authority the longitude of the following places has heretofore been determined:

Dudley Observatory, Hamilton College Observatory, Syracuse, Elmira, Buffalo, Ogdensburgh.

These determinations, made with the highest scientific accuracy, correct serious errors in existing maps, and will render direct and essential aid in constructing an accurate topographical map of the State, the importance of which has long been felt. The means placed at the disposal of the Regents for longitude purposes are now exhausted. There are other points whose position it is important to determine, and it is respectfully submitted to the Legislature that a further appropriation for this purpose should be made.

Though the laws above referred to only directed that longitudes should be determined, the Regents have also had the corresponding latitudes ascertained; and in the case of the western boundary, which is a meridian or line of longitude, they fixed on the first monument of that line, near the shore of Lake Erie, as the point of latitude to be determined.

Dr. PETERS, in his report, states that he found this monument in a very dilapidated condition, and that "such are the encroachments of the lake on the shore near which it stands, that the site of the stone will soon become a prey to the waves, and it seems desirable that a new and durable monument, more inland, should be erected to mark the partition between the two great States." So important a monument should be replaced only by the united action of the States whose boundary it marks. It is, therefore, respectfully recommended by this board, that the Legislature, by joint resolution or otherwise, direct that arrangements be made with the authorities of Pennsylvania for the renewal of the monument.

\* \* \* \*

Respectfully submitted,

By order of the Regents,

JOHN V. L. PRUYN,

*Chancellor of the University.*

\* \* \* \*

In recapitulating, the final result for the position of the [original] boundary monument near the shore of Lake Erie is therefore:

LATITUDE	42° 16'	2".8 North.	}	West of Greenwich.
LONGITUDE	79° 45'	54".4 in arc,		
	= 5 <sup>h</sup> 19 <sup>m</sup> 3 <sup>s</sup> .63 in time.			

This important monument is now in a very bad condition. What remains of it consists of a slab four inches thick, two feet in length and reaching about one foot above the ground, with its longer faces placed parallel to the meridian (s. sketch on Plate I). The upper portion, which once contained the

inscription, is evidently cut off by wilful destruction. But a greater danger even is threatening these remnants by the inroad of the lake. Squire MANN, who formerly owned the adjacent lot, and to whom I am indebted for much valuable information about the locality, stated that within his recollection the distance from the stone to the edge of the bluff, upon which it stands, was several rods, while now it is only seven feet. It must be expected therefore, that within a few years the site of the stone will become a prey of the waves, and it seems desirable that a new and durable monument, more inland, be erected to mark the partition between the two great States.

I remain, with great respect, yours, very obedient,

C. H. F. PETERS,  
*Director of Observatory.*

HAMILTON COLLEGE OBSERVATORY, *February, 1866.*

— [*Assembly Doc's of 1866, vii, No. 191 (incomplete); 1867, xii, No. 239, pp. 411, 412, 422.*

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## STATE OF NEW YORK.

IN ASSEMBLY, }  
ALBANY, *April 11, 1866.* }

*Resolved*, (If the Senate concur), That in conformity with the recommendation of the Regents of the University in their report on the longitude of the western boundary of the State, submitted to the Legislature at the present session, that the said Regents be authorized to make such arrangements as may be found desirable, with the authority of Pennsylvania, for renewing and replacing the monument near Lake Erie, on the said western boundary line.

By order of the Assembly.

J. B. CUSHMAN,  
*Clerk.*

IN SENATE, *April 16, 1866.*

Passed without amendment.

By order of the Senate.

JAS. TERWILLIGER,  
*Clerk.*

The preliminary correspondence with the Governor and the Legislature of Pennsylvania on this subject, will be found in the *Penn. Legislative Documents* for 1867, vol. i, pp. 945-948, and the *Penn. Senate Journal for March 28, 1867*, pp. 812, 813. An appropriation of "two hundred dollars, or so much thereof as may be necessary," to the surveyor general for erecting a more durable monument, further inland, was made by the *Laws of Penn.* for 1867, No. 1, Section 75. On conferring with the Surveyor General of Penn., it was agreed that the Regents should take measures to procure the monument, and a contract was executed on the first day of May, 1869, with Messrs. Williams, Spelman & Co., of Albany, to furnish a block of Quincy granite, eight feet long, two feet wide and eight inches thick, properly dressed and inscribed, and to erect it at the point on the Western boundary line to be designated, for the sum of four hundred dollars; which contract was duly executed.

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STATE OF PENNSYLVANIA.

SURVEYOR-GENERAL'S OFFICE,      }  
HARRISBURG, *Sept. 13, 1869.*      }

Hon. JOHN V. L. PRUYN,

*Chancellor University of the State of New York:*

SIR.—I am instructed by Genl. J. M. Campbell, Surveyor-General of Penn<sup>a</sup>. to say that if he is unable to meet you at State Line Station on the 15<sup>th</sup> inst., the bearer William Evans,

Esquire, a Surveyor of this Office will represent him in relation to the erection of the monument on the State line near the shore of Lake Erie. Mr. Evans takes with him the amount of money appropriated by the 75<sup>th</sup> Section of the Act of 11<sup>th</sup> April 1867 of Penn<sup>a</sup>. towards defraying the expences of procuring & erecting the monument referred to, (two hundred dollars) which he is instructed to pay over to you or other authorized party representing the State of New York.

I have the honor to be, Sir,

Very respectfully,

Your obedient Servant,

ROBT. A. M<sup>c</sup>COY.

---

UNIVERSITY OF THE STATE OF NEW YORK:

OFFICE OF THE REGENTS,

ALBANY, *January 14th*, 1870. }

\*

\*

\*

\*

The Chancellor, from the select committee on Boundaries, stated that the initial monument on the shore of Lake Erie was replaced with appropriate ceremonies by the designated authorities of this State and of the State of Pennsylvania, on the 15<sup>th</sup> of September last, and submitted a copy of the memorandum of proceedings had at that time, and which is in the words following, to wit:

STATE OF NEW YORK:—STATE OF PENN-  
SYLVANIA,

STATE LINE, *September 15th*, 1869.

The undersigned, duly authorized for that purpose by their respective States, do hereby certify, that on the day above named, they attended at the monument placed on the margin of lake Erie, which marks the boundary line between the said States, and witnessed the erection of a new monument in place of the original monument now dilapidated, at a point distant four hundred and forty feet due south from the original monu-

ment; which new monument is of Quincy granite, about two feet wide and about eight inches in thickness, and has on the east and west faces thereof a copy of the inscription on the corresponding faces of the original monument as stated in the archives of the two States, and on the north and south faces thereof the following inscriptions respectively :

(North face.)  
1869.  
LATITUDE OF THIS STONE,  
42° 15' 57" 9.  
LONGITUDE,  
79° 45' 54" 4.  
VARIATION,  
2° 35' w.

(South face.)  
1869.  
Erected by the States of New York and Pennsylvania, 440 feet south of a monument now dilapidated, on which were the inscriptions on the east and west faces of this monument.

That the said new monument was placed in all respects to our satisfaction, and at the joint expense of the said two States, as authorized by their respective Legislatures.

In witness whereof we have set our names to duplicate copies hereof at the State line aforesaid, on the day and year first above mentioned.

On the part of the  
State of Pennsylvania :  
WILLIAM EVANS,  
For J. M. CAMPBELL,  
*Surveyor-General  
of Pennsylvania.*

On the part of the  
State of New York :  
JOHN V. L. PRUYN,  
*Chancellor of University.*  
GEO. R. PERKINS,  
*Com. of the Regents.*  
S. B. WOOLWORTH,  
*Secretary of the Regents.*  
GEO. W. PATTERSON.

—[*Regents' Minutes* (printed), iii, 22, 23; 84th *Regents' Report*, 1871, pp. x, xi.

The following is a copy of the inscriptions on the original monument, which seem to have been heretofore preserved only in the *Pennsylvania Archives*, and a reprint therefrom in *N. Y. Assembly Docs.* of 1867, vol. xii, pp. 420, 421.

[ On the east side : ]	[ On the west side : ]
MERIDIAN	TERRITORY
OF THE WEST END OF	ANNEXED TO THE STATE
LAKE ONTARIO	OF PENNSYLVANIA,
STATE OF NEW YORK.	NORTH
18 MILES AND	LATITUDE 42° 16' 13"
52.5 CHAINS FROM	VARIATION 25
THE NORTH BOUNDARY	WEST.
OF PENNSYLVANIA,	
AUGUST 23 <sup>d</sup> ,	
1790.	

—[*Penn. Arch.*, xi, *Map facing page 104.*

## UNIVERSITY OF THE STATE OF NEW YORK:

OFFICE OF THE REGENTS,

ALBANY, *Sept. 30, 1869.*

*To the Supervisors of County:*

The Regents of the University have been charged by the Legislature with the duty of inquiring into the condition of the monuments on the boundary lines of the State. They have recently, in co-operation with the authorities of Pennsylvania, replaced the original initial monument near Lake Erie, on the western boundary, by a substantial granite monument.

In the further discharge of the duty assigned them, the Regents respectfully ask the aid and co-operation of your Board. The subject appeals specially to the interests of the counties on the line of such boundaries, and the Regents presume that the Supervisors of the towns adjoining the lines, will be able to furnish important information on the subject.

[For Counties east of Delaware River.]

Milestones were placed on the southern boundary line of the State, of which the southern boundary of your county is a part, in connection with the original survey, and were numbered from the Hudson river westward, to the Delaware, a distance of forty-eight miles.

[For Counties west of Delaware River.]

Milestones (or posts) were placed on the southern boundary line of the State, of which the southern boundary of your county is a part, in connection with the original survey, and were numbered from the Delaware river westward, the 90th stone standing on the western side of the south branch of the Tioga river, and the 225th near the south-western corner of the State.

The Regents desire information on the following points:

1. The condition of the milestones (or posts) on the line of your county; their distances respectively from the nearest highway; and whether they are easily accessible.

2. Whether any of these milestones need to be renewed; and, if so, whether stone of durable quality can be procured in the vicinity, and at what price.

3. Whether any conflict of jurisdiction, or of title to land, has arisen from uncertainty in regard to such boundary line.

4. Information on any other points bearing upon the subject, which may be deemed important.

The Regents purpose to communicate to the Legislature at its next session, such facts as they may be able to collect, and they therefore respectfully ask the action of your honorable Board at an early day.

It is expected that the authorities of Pennsylvania will co-operate with those of New York in restoring dilapidated milestones.

Several copies of this circular are herewith enclosed, for the use of the supervisors of towns bordering on the State boundary line.

By order of the Regents,

S. B. WOOLWORTH, *Secretary.*

BOARD OF SUPERVISORS, ORANGE COUNTY, }  
GOSHEN, ORANGE CO., N. Y., *November 15, 1869.* }

S. B. WOOLWORTH, Esq. :

DEAR SIR. — Your circular letter of Sept. 30, 1869, was just read by the Clerk to this Board in reference to milestones between towns of this County and the State of New Jersey. No action has been taken in the matter, and I doubt whether there will be unless the expense is sustained by the University or the State. My town (Warwick) borders on N. J. more than all others. It is, much of the distance, through a mountainous region and will take several days to traverse the route.

Please answer whether you think a Committee should be appointed and by whom the expense will be sustained.

Very truly yours,

JOHN BURT,  
*Board of Supervisors, Goshen, N. Y.*

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MOUNT HOPE, ORANGE CO.,  
*Dec<sup>r</sup> 25, 1871.*

S. B. WOOLWORTH,  
*Secretary Board of Regents*  
*N. Y. S. University.*

DEAR SIR,

Acting as Clerk of the Board of Supervisors of Orange county at their late Annual Meeting, I happened to notice your circular of Sept. 30, 1869 and annexed letter dated Nov. 8, 1871, inquiring into the condition of the monuments or mile stones placed upon the Southern boundary of the State from the Delaware to Hudson rivers.

There was a committee appointed by the Board in 1869, to examine and report; but there the matter ended, as the Committee has not reported, or, so far as I can learn, taken any trouble to examine.

At the late session of the Board I made inquiry of the Supervisors of the Towns of Monroe, Warwick, Minisink, Greenville and Deerpark, and they all stated that their knowl-

edge as to the condition of the mile stones on said line was quite limited, and they could give me little or no information.

Since the adjournment of the Board, I have made inquiry of one of my neighbors who formerly resided along said boundary line in the State of New Jersey, adjoining the Town of Greenville.

He tells me that he had, within a few years, seen four or five of the monuments in question, and that one of them was upon the farm he occupied. That they were all in a good state of preservation and carefully protected where located upon cleared ground, and he presumes that they are in similar condition throughout.

It did not occur to me to inquire as to what material or kind of stone had been used. If they are of what is called "Freestone" and were erected at the time the line was located, the action of the elements must have had some effect upon them.

My informant stated, that so far as he had knowledge, the line was well known and he knew of no disputes of title or conflicts of jurisdiction by reason of any uncertainty as to the location of the line.

Any further or more certain information which I may receive will be cheerfully communicated.

I have the honor to be, Sir,

Very resp'y yours,

C. S. WOODWARD,

*Clerk of the Board of Supervisors, Orange Co.*

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The following is a copy of the resolution of the Board of Supervisors, of Nov. 30, 1869, above referred to:

*Resolved*, That a committee of five be appointed to carry out the recommendation of the Regents of the University in reference to mile stones between the various towns of this county bordering on the State of New Jersey; and report to this Board the information called for in the circular letter of

the Secretary of said Regents, under date of September 30, 1869, and read to this Board at the beginning of the present session.

The Chairman appointed as such committee Messrs. Burt, Brodhead, Case, Durland and Shuit.

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LINDLEY, STEUBEN Co., N. Y.,  
Feb. 21<sup>st</sup>, 1870.

S. B. WOOLWORTH,  
*Secretary University State of New York.*

In compliance with a resolution of the Board of Supervisors of this County, passed last December, I herewith give information in regard to the condition, &c., of the mile stone monuments in the Southern boundary of this town — being the boundary line between the State of Pennsylvania and this State. The milestones are in a dilapidated condition and decidedly too small to be kept permanently in place. The size is generally about 16 in. long, and say 6 in diameter. They are easy of access, and all should be replaced with larger and more substantial Stone.

There is an abundance of good material for durable monuments and easy of access and could be furnished, finished and placed at a reasonable cost. The 89<sup>th</sup> mile stone has been moved north about three rods as ascertained by Surveyors adjusting their compasses. There has been no conflict in regard to jurisdiction arising from uncertainty in regard to boundary line.

Respectfully,  
W<sup>M</sup>. MORE, *Supervisor,*  
*Lindley, Steuben Co., N. Y.*

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SOUTH TROUPSBURGH, Apr. 20<sup>th</sup>, 1870.

*To the Secretary of the University of New York:*

SIR, — I make this my report as requested in relation to the mile stones on state line opposite this Town. I commenced

at the South East Corner of the Town and went to the South west Corner.

The Stone in the So. East Corner is No. 107, and in the South West Corner is No. 116. I found them in very good condition, with the exception of two or three. There is one on the Troups creek road that did stand about forty rods east of where it now stands, on the bank of the Creek and was washed out and placed where it now stands. On the North side is marked 109 m. & 36 chains west, N. Y. On the south 1787, Penns<sup>a</sup>, Lat. 42.

The road is not over  $\frac{1}{2}$  a mile from the line along here. Stone are plenty along the line and can be had for nothing. There is not any dispute in relation to the line opposite this town.

I should consider them rather inferior for two such States as N. Y. & Penn. The reason I have not reported before is on account of snow drifts.

Any other questions will be readily answered.

Yours, &c.,

JOHN G. LOZIER,  
*Supervisor of the Town of Troupsburgh.*

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WEST UNION, STEUBEN Co., N. Y., Jan. 1<sup>st</sup>, 1870.

*Office of N. Y. State Regents:*

The Board of Supervisors of Steuben county received a circular dated Albany, September 30, 1869, in relation to dilapidated mile stones, condition of the monuments on the State boundary line, &c. As this town is on the line and the action of the Board was that an inspection be had and report the same to you, I have the honor to submit the following:

I found the mile stones very rude in construction, just a common stone that you would find in the field, stuck one end in the ground about one foot above the same, with N. Y. on one side and Pa. on the other; and some of them had once had the number of miles cut on them, but now they are very

much dilapidated what remain. Stone suitable for monuments can easily be obtained along through this part of the country at moderate prices. No difficulty has arisen on account of the line to my knowledge. I would recommend that there be new ones erected, &c.

With great respect,  
I remain yours, &c.,  
A. C. BARNEY,  
*Chairman of Supervisors,  
and Supervisor of West Union.*

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TOWN OF WOODHULL, COUNTY OF STEUBEN, }  
STATE OF NEW YORK. }

Hon. S. B. WOOLWORTH:

DEAR SIR.—In answer to your circular asking for information of the State line bounding Steuben county on the south, I state, along that part of said line bounding the town of Woodhull on the south, there are two stones in good condition near the middle of the township, easily accessible from the public roads, both on the Hornby tract of land. Stone if needed can be procured without cost. There is no dispute of title arising from uncertainty regarding the location of the line. The town of Woodhull is six miles along the line, about two-thirds being through woods.

If the services of a surveyor is needed on the line through this town or county, I respectfully offer mine, as I have been and am now in the business; satisfactory references of ability can be given if required.

I am yours very respectfully,  
J. S. WARNER,  
*Supervisor of the town of Woodhull.*

OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS, }  
 CHAUTAUQUA COUNTY,  
 JAMESTOWN, N. Y., 25 Jan., 1871. }

*To the Regents of the University, Albany:*

GENTS. — I herewith send you field notes, mentioned in the accompanying report.

Respectfully yours,

E. H. JENNER,  
*Clerk.*

IN BOARD OF SUPERVISORS, }  
 CHAUTAUQUA COUNTY, Oct. 14, 1870. }

Mr. Ayers, from the Select Committee appointed by the Board of 1869, to review the monuments on the State line, submitted the following report :

The undersigned Committee, to which was referred the duty of superintending the retracing of the State line, adjoining Chautauqua county, for the purpose of ascertaining how many of the old land-marks and monuments remain, indicating the exact locality of said line, and are in condition to be recognized with certainty, respectfully report :

That for the purpose aforesaid, we have employed Otis D. Hinckley, Esq., Surveyor, and that under our direction he has completed the said survey and has made his report to us from actual survey and measurement of every mile of said line, which report shows conclusively that many of the old land marks and monuments still remain on the line, sufficient to identify with certainty the line as originally located, on both sides of the county.

In consideration of which, your Committee recommend to this Board, the propriety of requesting the State authorities, as soon as practicable, to take such steps as may be necessary for the erection of permanent monuments on said State line, on both the the south and west lines of this county.

All of which, together with the report of the Surveyor, and

the field notes and explanations accompanying the same, are herewith submitted.

H. S. AYERS,  
H. G. MITCHELL,  
*Committee.*

On motion of Mr. Ames,

Ordered, That the report of the Committee on State line monuments, be accepted and the Committee be discharged.

On motion of Mr. Ayers,

Ordered, That the report and field notes, made by O. D. Hinckley, Esq., of the survey of the State line, be placed on file in the office of the County Clerk, and a copy of the same be sent to the Regents of the University at Albany.<sup>1</sup>

On motion of Mr. Ayers,

Ordered, That our Members of Assembly from this county, and the Senator from this district, be requested to procure an appropriation from the State, to reimburse this county for the expense of making the survey of the State line, as per request of the Regents of the University; and that the Clerk of this Board be instructed to procure the amount of such expense, and report the same to our members of the Legislature.<sup>2</sup>

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The following letter relating to monuments on the Massachusetts line, was received from the late Professor Albert Hopkins, of Williamstown, Mass :

WILLIAMS COLLEGE, Oct. 19, 1869.

Dr. WOOLWORTH :

MY DEAR SIR.—Your note of enquiry has been lying by me for a few days, but I have not been prepared to answer it till now.

<sup>1</sup>The copy received by the Regents (in the form of an 18mo. Memorandum Book), has been deposited and catalogued in the State Library, under the title "N. Y. Boundary, Chautauqua Co., 1871." — [P.

<sup>2</sup>The sum of three hundred and ninety-six dollars and fifty-five cents was appropriated by Chap. 715 of the Laws of 1871, to reimburse the county of Chautauqua for expenses incurred in making the survey of the State line. — [P.

In the first place there is a monument — a marble pillar or post at the N. W. corner of our State, which, of course, forms a part of your boundary; south of this, on eminent points, are slabs of slate; still farther south and near the highest point of the Taconic range is a heap of stones, and still farther south another bound. Originally the woods were cleared off so that one boundary was visible from another. At present these bounds are, I think, rather obscure — difficult to be identified and even found. Should your Regents conclude to repair these boundaries, I would be happy to render them any assistance in my power.

Yours very respectfully,

A. HOPKINS.

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The necessity of completing the publication of the N. Y. Legislative Documents for 1873, without further delay, forbids the insertion of additional material in the present report.

The concluding part of the work will contain an Index of the whole.







